LEGISLATIVE COUNCIL

Thursday, 26 September 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Independent Commission Against Corruption 2023-24 Financial Statements
[Ordered to be published]
Office for Public Integrity—Report 2023-24
[Ordered to be published]
The Registrar's Statement, Register of Member's Interests, June 2024
(Paper No. 134E) [Ordered to be published]

By the Attorney-General (Hon. K.J. Maher)—

Reports, 2023-24—
Assumed Identities and Witness Identity Protection
Criminal Investigations (Covert Operations) Act 2009
Criminal Investigations (Covert Operations) Act 2009 (ICAC)

By the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—

Response by the Minister on the House of Assembly Petition No 50 of 55/1—Western Hospital at Henley Beach

Ministerial Statement

WHYALLA CABINET MEETING

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19): I table a copy of a ministerial statement made in the other place by the Premier, entitled Whyalla Cabinet Meeting.

BEASLEY, MS M.C.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19): I table a copy of a ministerial statement made in the other place by the Deputy Premier, entitled Mary Constance Beasley AM.

Question Time

BIOSECURITY SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation prior to addressing a series of questions to the Minister for Primary Industries and Regional Development regarding PIRSA staffing.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition understands that the former executive director of Biosecurity South Australia resigned from that position in July of this year. There have been no public updates as to the status of that position throughout this significant and serious incursion of the National Priority Plant Pests tomato brown rugose fruit virus. We understand that PIRSA Chief Executive Mehdi Doroudi has stepped into the position as Acting Executive Director of Biosecurity SA whilst it is vacant, but, of even greater concern, we are of the understanding that the professor is currently on leave. Therefore, my questions for the Minister for Primary Industries are:

1. Has the previous executive director of Biosecurity South Australia been replaced, and, if so, by whom?

2. If the chief executive is indeed acting in the role and is currently on leave, what are the dates of that leave?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I thank the honourable member for her question. Yes, the executive director has resigned from the position. I understand the recruitment process is in train. I haven't had an update in the last days as to where that recruitment process is at. Mr Nick Secomb, the chief plant health inspector, has been doing a sterling job in terms of biosecurity, and I certainly congratulate him on that and his team. It has been an incredibly intense time, and they have been responding very strongly and in a very dedicated way to all the different requirements that are involved with what is the first time that this disease has been detected in Australia.

The chief executive of the department is currently on leave. I don't have the dates in front of me, but I think it is only this week, from memory. He has been available on the phone, and of course there has been someone acting in this position.

BIOSECURITY SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): Supplementary: in regard to the recruitment process, has the role been currently advertised? Given the chief executive is on leave, has the chief executive been recalled from leave during this outbreak?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): In regard to the first question, I mentioned in my answer to the original question that I haven't had an update in recent days. I know the recruitment process was underway. The chief executive has been available at all times throughout this on the telephone, and he will be returning to his normal duties, I believe, next week, but I will correct the record if it is Tuesday instead of Monday.

BIOSECURITY SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Further supplementary: why hasn't the minister requested an update in regard to the recruitment process of the executive director of Biosecurity SA?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): We have been a little busy with responding to the tomato brown rugose disease outbreak.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Ringing the HR department to find out at what stage an advertisement is—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Those opposite I think are making themselves look ridiculous.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: It is hardly the appropriate response when we are in the middle of an outbreak that is affecting significant businesses here in South Australia and significant levels of workforce for me to be ringing up HR and saying, 'Which newspaper is the advertisement in?' or, 'When will it be appearing?'

What I think is really important here is to talk about what has been undertaken. This is the first time we have this disease in Australia; it is a nationally significant disease. Yesterday, Perfection Fresh advised their staff that many of them would be stood down. That is happening over a staggered period.

At 9 o'clock this morning we were able to have in place at Virginia in the Northern Adelaide Plains a support hub for the workforce. We were able to have at that support hub relevant people who can assist those workers who are facing being stood down. That is excellent work and has been done following the establishment of a task force on Monday, which involves many different government agencies as well as industry. This has been some very intense work, swift responses, in terms of supporting the workforce, and those involved are to be congratulated.

BIOSECURITY SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: given the position has been vacant since July, why hasn't the position been filled or, at the very least, advertised?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I have just been advised that the advertisement is appearing this weekend.

The Hon. N.J. Centofanti: This weekend?

The Hon. C.M. SCRIVEN: Yes, that's what I am advised.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I suspect they are writing that advertisement pretty quickly. I seek leave to make a brief explanation prior to addressing questions to the Minister for Primary Industries and Regional Development regarding South Australia's horticultural sector.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition understands that vegetable producer Perfection Fresh Australia has written to the minister and her department outlining their serious concerns and frustrations in the processes and procedures relating to their management of the biosecurity incursion regarding tomato brown rugose virus. Despite their own thorough management and internal quarantine procedures, the blanket orders placed upon their business have been described as 'wholly unworkable'. They feel it equates to their business having zero options, other than to shut down and dismiss staff. My questions to the minister are:

1. Is the minister satisfied that Perfection Fresh Australia and other South Australian businesses affected by the tomato brown rugose fruit virus have been afforded procedural fairness regarding all offers made by the Malinauskas Labor government on 23 September 2024?

2. Did the minister and her department, however it may be currently staffed, consider any potential alternative measures before making orders pursuant to the Plant Health Act on 23 September 2024?

3. Given how contagious this virus is, does the minister anticipate any further orders pursuant to the Plant Health Act to be delivered to South Australian horticultural businesses in the coming days and weeks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): I thank the honourable member for her question. Quarantine orders on businesses are not put in place lightly. PIRSA has been in close communication with the businesses, obviously. There have been over 2,900 tests and samples in regard to this virus.

In terms of the alternatives, there are a couple of alternatives, which I have outlined already in this place this week. I would be interested to know which of them those opposite are advocating for.

One of the alternatives would be to lift the quarantine restrictions. The outcome of that would be that other South Australian growers would be restricted from selling their tomato fruit interstate. So likely every other jurisdiction would put up the walls to South Australian tomatoes. The impacts of that on other South Australian growers and their workforces would be absolutely significant. If that is what the opposition is advocating, they should come out and say so.

In terms of whether future orders could be put in place, the important thing here is that we are relying on the evidence that is to hand. Currently, the sampling and testing has shown that this disease is limited to three businesses here in South Australia. It has not spread, according to the evidence—there are no detections at other premises.

Some of that evidence is still coming in, but that is where we are at the moment. Therefore, the most responsible thing to do, notwithstanding the difficulties and challenges faced by the three affected businesses, for the South Australian industry and for the Australian industry is to have the quarantine orders in place. They haven't been done lightly, they have been done with the livelihoods and businesses of the rest of South Australia in mind. If those opposite think that they should be lifted and we should let it rip with all the subsequent impacts on other growers and their workers, why don't they say so?

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Supplementary: if the businesses affected by these quarantine orders make an application to the minister for compensation, will the minister commit to this chamber that she will use her ministerial discretion as per section 50 of the Plant Health Act and provide compensation to those businesses?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): Quarantine orders have been issued under the provisions of the Plant Health Act 2009. Under that same act, people who have suffered loss or damage as a direct consequence of such an order may make application for compensation. The minister, according to the act, is not compelled to make a payment of compensation under that provision.

The state government has been liaising with the commonwealth on this matter also. This detection is currently subject to consideration under the national Emergency Plant Pest Response Deed, which also considers how compensation should be managed for deed signatories. I am advised that the national Emergency Plant Pest Response Deed includes guidance for industry bodies, states and territories that have signed up to the deed. This guidance includes how owner reimbursement costs, sometimes referred to as compensation, should be managed.

Because the fresh tomato industry has not signed up for the deed, further discussion is needed and indeed is happening at a national level, also, before a decision can be made on whether owner reimbursement costs will apply in this response to any particular business. Through PIRSA we are exploring how compensation could be applied at the national level for this response, with Plant Health Australia and the commonwealth government.

While the shadow minister has been speaking very loosely about compensation, she doesn't seem able to explain specifically what she is referring to in terms of quantities. What are the losses? It is usual for a company to seek compensation once those losses are known. If the Leader of the Opposition knows that when the company currently doesn't, I would be very interested to hear it.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Supplementary: is the minister ruling out state government compensation under section 50 of the Plant Health Act?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): That is not what I said.

GERARD COMMUNITY COUNCIL ABORIGINAL CORPORATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about the Gerard Community Council Aboriginal Corporation.

Leave granted.

The Hon. N.J. CENTOFANTI: Many members of the Gerard community have raised ongoing concerns with the opposition about the governance of the Gerard Community Council Aboriginal Corporation. It is my understanding that a Gerard community member wrote to the Minister for Aboriginal Affairs back in March of this year after a group of Gerard community members came together to express their concerns about the operating performance of the Gerard Community Council Aboriginal Corporation. In that correspondence the minister wrote, and I quote:

> In response to their concerns, Aboriginal Affairs and Reconciliation (AAR) contacted ORIC (Office of the Registrar of Indigenous Corporations). ORIC confirmed that it is actively considering [the Gerard Community Council Aboriginal Corporation's] compliance with the CATSI Act, including its lack of general meetings. ORIC further advised that Gerard currently does not have the number of members required for a general meeting under its rules—it only has eight but needs at least 15. ORIC encouraged all eligible Gerard community members to apply to the [Gerard Community Council Aboriginal Corporation] to become members.

I further understand that a number of Gerard community members have applied to the Gerard Community Council Aboriginal Corporation to become members but have not heard back from the corporation. We are now in September and these members of the Gerard community still have no information or clarity around the investigation. Understandably, the community members of Gerard are frustrated that they still do not have any transparency and accountability over the investigation process. My questions to the minister are:

1. When is the expected completion date of the ORIC investigation?

2. When can members of the Gerard Community Council expect to hear from ORIC?

3. If the ORIC investigation determines that the Gerard Community Council Aboriginal Corporation is not compliant with the CATSI Act, what processes or actions will be implemented?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I thank the honourable member for her question. I am happy to answer most of the question. Part of the answer, I think, is in the asking of the question, as the honourable member has stated it in the question itself. ORIC have indicated that they are considering matters to do with the Gerard Aboriginal communities corporation.

As is the case with quite a number of Aboriginal communities that are constituted on lands trust land, Gerard is constituted under federal legislation, the CATSI Act (Corporations (Aboriginal and Torres Strait Islander) Act), which has oversight of ORIC (Office of the Registrar of Indigenous Corporations). It is not constituted under state legislation, so it is that federal body that has oversight. It is not something that the state has direct regulatory oversight over. I know that if people are interested and keen to get an update, ORIC is the appropriate body to seek that clarity from.

I regularly meet with people from Aboriginal communities across the Riverland. The last time I was out at Gerard would have been earlier this year. We had a meeting that would have had a couple of dozen members of the community. I have been to Gerard a number of times, particularly during the flood event that we saw in the Riverland during the course of this term of parliament, where much of the lower lying areas of where the community was originally established as a mission were well under water but, thankfully, where the community is now, on a high point, was not under water.

In relation to what sanctions ORIC can impose, there are a wide range of sanctions that ORIC can impose in terms of supervision of corporations, right up to placing corporations in administration. That is not an unheard of thing. Certainly, there are native title bodies, prescribed body corporates under the Native Title Act that, by virtue of the native title legislation, have ORIC oversight that in recent years have been placed in administration in South Australia. So there are a range of options that ORIC as the regulator can impose, right up to putting an organisation into administration, which they have done on occasion in South Australia.

GERARD COMMUNITY COUNCIL ABORIGINAL CORPORATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): Supplementary: will the minister write to ORIC to request an update as to where the investigation is at for the members of the Gerard community?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): I have encouraged members who have a direct interest and are concerned to directly write to ORIC. It will be much more effective to get that information firsthand, rather than passing it on to me and having it one level removed. As I have encouraged, I would encourage anybody who has a concern, given ORIC, the federal body, are the regulator, to continue to seek updates from the federal regulator.

HIGH COURT OF AUSTRALIA

The Hon. R.P. WORTLEY (14:37): My question is to the Attorney-General. Will the Attorney-General inform the council about the High Court's recent visit to Adelaide and the attendance of High Court judges at this year's Legal Profession Gala?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for his question. I am pleased to be able to inform the chamber that in August the High Court of Australia made its first visit officially to sit in Adelaide in approximately seven years. I understand that recent work being undertaken in the High Court building in Canberra has given the court an opportunity to visit jurisdictions across the country, both hearing matters and to meet with members of the broader legal profession.

As the nation's highest court, it was a privilege to welcome the sitting of the court in South Australia. As part of welcoming the court, their honours Chief Justice Stephen Gageler, Justice Jacqueline Gleeson and Justice Michelle Gordon joined this year's legal profession dinner held at the Adelaide Convention Centre on 15 August.

At each of these dinners, lawyers across the community are recognised for their contributions to the profession. I extend my congratulations to South Australia's members of the legal profession who were recognised this year. The Emerging Lawyer of the Year Award went to Rahima Wahidi. Rahima arrived in Australia at the age of 11 as a refugee from Afghanistan and now works as a solicitor at the Northern Community Legal Service. On top of her very important work there, she has initiated outreach services with a refugee organisation and a local government school.

The Mary Kitson Award for contribution to the advancement of women in the law was awarded to Gillian Walker SC. Gillian currently heads the SA Bar Association's Women at the Bar committee and sits on the Chief Justice's respectful workplaces committee. She undertakes pro bono work, mentors other practitioners, and advocates for court sitting hours to accommodate practitioners' family and carer commitments.

The Pro Bono Award was awarded to Johnson Winter Slattery. Twenty-two lawyers from Johnson Winter Slattery dedicated a total of 604 voluntary hours to JusticeNet's Homeless Legal clinic in the last financial year. This equates to about $200,000 worth of pro bono legal services to vulnerable people who appear at the South Australian Civil and Administrative Tribunal.

The Regional Practitioner of the Year was awarded to Lachlan McAuliffe. Lachlan is an esteemed legal practitioner working in the Port Pirie region. He has acted as the unofficial unpaid duty solicitor for a number of years, conducting close to 200 free court appearances for defendants each year. The Justice Award for their contribution to improving fair and equal justice in South Australia this year went to Zita Ngor. Zita is a well-known person in the legal profession who has been involved in many initiatives to assist women to navigate the legal system, including an Indigenous women's program, the first Australian joint legal and sexual assault service delivery model, and the temporary visa holders experiencing violence project.

Holly Nikoloff was awarded the Bulletin Award for the best article of the year for her authorship of 'Civil penalty provisions: deterrence, deterrence, deterrence!' and Danielle Gilby was

awarded the best special interest article of the year for 'When being sick is your full-time job: a perspective on flexible working arrangements from a disabled practitioner'.

Finally, Barry Jennings KC was awarded honorary membership of the Law Society. Admitted to practice in 1970, he has made a very significant contribution to the state's legal profession both through pro bono work and in serving as chief counsel of the Legal Services Commission and Crown counsel in the Director of Public Prosecutions. He was appointed Queen's Counsel in 1988, became a judge of the District Court in 1995 and retired as a senior judge of the Youth Court in 2006.

I extend my heartfelt thanks to all those who were involved in putting on this year's event and particularly those who were recognised for the outstanding contribution they have made to justice and the legal profession generally in South Australia.

STATE VOICE TO PARLIAMENT

The Hon. T.A. FRANKS (14:41): I seek leave to make a brief explanation before addressing a question to the Leader of the Government in this place, who is the Minister for Aboriginal Affairs, on the topic of the First Nations South Australian Voice.

Leave granted.

The Hon. T.A. FRANKS: As I think all members would be aware, on 13 June this year the first meeting of the 12-member state advisory council of the Voice has met and elected their presiding members, and I congratulate Tahlia Wanganeen and Leeroy Bilney for that position that they now hold. That statewide body of the Voice is made of the six local Voices, each of which provide two members to our statewide body. As we know, each year the First Nations Voice of South Australia will address this parliament. My questions to the minister are: when will that happen and what will the process be?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for her question. As the honourable member pointed out, earlier this year elections were held and there were 46 Aboriginal and Torres Strait Islander people elected by their communities to represent bodies across the state on six regional Voices. Those six regional Voices then elected two presiding members for each one of those Voices, those 12 members making up the South Australian statewide Voice.

I understand there have been around 14 meetings, as of about a month ago, of both the local Voices and a number of meetings of the statewide Voice since the election. I want to thank the hardworking officials, a very small but dedicated team in the Voice secretariat, who are doing everything, from the organisation of meetings in very, very remote parts of South Australia, from booking halls and having IT support up and running to organising meetings of the statewide Voice and getting people here.

The Voice is busy setting up their processes and procedures about how they will interact with government and parliament. I understand there have been a number of meetings particularly with the Department of the Premier and Cabinet. Of course, one of the legislative functions of the Voice is to meet at least twice a year with the full cabinet and at least twice a year with I think it used to be called the senior management council—the group of all the chief executives within the Public Service in South Australia.

I understand planning is well progressed in relation to the first address to a joint sitting of parliament. From my last update from the secretariat to the Voice, I think there was discussion underway to liaise with the parliament to look towards the end of November possibly for that first joint sitting. There will be negotiations obviously with the officers of the parliament about the process exactly about how that will happen, but I certainly hope and look forward to that occurring at the end of this year.

The other major thing that the secretariat supporting the statewide Voice and the statewide Voice themselves are considering is setting up areas of priority that they will want to talk to parliament on, particularly legislation, because of course the Voice has a legislated right to speak to the parliament on any legislation that they see fit that affects Aboriginal people.

I think there have been at least a couple of bills that the statewide Voice has already provided feedback on. I think there was a preventative health bill that feedback was provided on that was taken into account, and as the Voice becomes further operational I look forward to further contributions on areas that concern them.

STATE VOICE TO PARLIAMENT

The Hon. T.A. FRANKS (14:45): Supplementary: has the Voice taken into consideration the child safety and support bill out for consultation at the moment?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:45): I thank the honourable member for her question. I am happy to go and check. I am not sure. Another area that I do remember the Voice has had some involvement and will have continuing involvement with is the Royal Commission into Domestic, Family and Sexual Violence, headed by Commissioner Stott Despoja.

I know that there has been a lot of work that that royal commission has done to engage Aboriginal people and particularly the SA Voice, so I am happy to check on that particular piece of legislation, but it is pleasing that there is engagement not just on legislation but on many areas of significant policy development that are of concern to Aboriginal people.

STATE VOICE TO PARLIAMENT

The Hon. H.M. GIROLAMO (14:45): Supplementary: how many staff are currently allocated to provide administrative support to the State Voice, and what executives and ministers has the State Voice met with so far?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for her question. I just don't have the figures in front of me, but from memory and from discussions we had during the course of the legislation passing and during the last estimates process I think it's approximately $1.5 million a year budget allocated for the operation of the statewide Voice. About half of that is the very modest payment, which is just $3,000, to a member of a Local Voice and the costs for arranging transport and accommodation for members of the Voice to attend meetings, and the approximately other half of the $1.5 million is the cost of the administration.

So it is around $700,000 to $800,000 a year for that administration-secretarial support. From memory, it is around four to six FTEs that are providing that support. Of course, most government departments have nominated someone or a group of people within their department as a contact or liaison for the Voice so that when the Voice asks for information to help them make decisions it is not starting from scratch but there is a section or a person in each government department that is readily identified who can provide that support.

I think the final part was ministers who have met with members of the Voice. I certainly know I have met twice with the statewide Voice. I have also met with all members of all Local Voices when they were first elected and came to Adelaide. I think that was 43 of the 46, from memory, who were there. I think the Deputy Premier has had the opportunity to meet with the Voice, and I think there was an opportunity for representatives of all parties in this parliament to meet with the Voice when they first came to Adelaide. I know, as I look around this chamber, a number of members of this chamber took up that opportunity to meet with the Voice when they were here.

LOCAL VOICE

The Hon. T.A. FRANKS (14:48): Supplementary: will local MPs and members of this council be afforded the opportunity to meet with the Local Voices where they indicate a preference to do so, and how will that be facilitated?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I suspect the most efficient and effective way to do that would be, if local members or members of this chamber wish to do that, to contact the Voice secretariat. It will be up to members of the Local Voice if they are able to or wish to do that, noting that a member of the Local Voice, for all the work they do, receive a remuneration of $3,000 a year.

There is, of course, a sitting fee, which is consistent with other boards and committees. It is about $250 for each of the between four and six meetings each member of the Local Voice is required to have. So it would be contacting the secretariat. As the Voice develops, evolves and matures I think that is likely to become a regular feature. Just how easy it will be now as it is being set up I am not sure, but if any member is interested the secretariat would be the place to start.

AGRICULTURAL SECTOR

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:49): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries on the topic of the unprecedented dry season impacting on SA farming communities.

Leave granted.

The Hon. J.S. LEE: After a very late start to the cropping season, many farmers sowed dry in the hope that following rains would support crop growth. However, there has been little rainfall since and, after a prolonged dry period, it is evident that many crops will not make it through to provide a commercial return. The recent severe frosts have added to the setback. Some farmers have decided to abandon the hope of harvesting grain and are instead cutting crops for hay where they can. Others are hoping that they may at least get their seed back.

Even traditionally wetter cropping areas such as the South-East are reporting that the prolonged dry spell would not enable the crop to fill. There is widespread despondency, with some resigning themselves to losing the current season. The shortage of rainfall and stock feed has led to an escalation of feed prices, making it extremely expensive for those needing to feed their stock. My questions to the minister are:

1. What measures are the government taking to provide support and assistance to farmers and farming communities doing it tough?

2. Will the government consider providing assistance to farmers to ensure that they can freight fodder over from other states to maintain adequate feed for animal welfare purposes? Can the minister also provide details as to what that practical assistance actually means?

3. Will the government consider partnering with the commonwealth government, as was done in 2019-20, to turn on the desalination plant to allow for irrigation out of the Murray Darling Basin for fodder production and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I thank the honourable member for her question. It is indeed accurate that significant parts of South Australia are experiencing dry seasonal conditions. Recent rainfall deficiencies remain severe across the agricultural regions in South Australia.

For the seven-month period since February 2024, areas with lowest on record, severe or serious rainfall deficiencies—so record low rainfall totals or in the lowest 5 or 10 per cent of periods respectively since 1900—extend along agricultural regions of South Australia into western Victoria. Areas with lowest on record rainfall include parts of Eyre Peninsula, Yorke Peninsula and other agricultural regions.

The long-range forecast for September to November, issued on 29 August 2024 by the Bureau of Meteorology, indicates a 50 per cent chance of above medium rainfall for southern parts of South Australia. The Department of Primary Industries and Regions is monitoring current seasonal conditions very closely and working with industry to understand the impact of the current dry season. A lack of grazing pasture has substantially increased hay and feed grain demand, with many areas experiencing shortages of stock feed and significantly increased fodder prices.

The state government provides a range of support services to rural business and regional communities affected by hardship and adverse events such as drought, bushfires, severe floods and storms, biosecurity outbreaks, industry downturns and, previously, COVID-19. Any primary producer and small farming business owner who is experiencing financial difficulty or is impacted by the dry conditions can seek assistance from PIRSA's family and business mentors or the Rural Financial Counselling Service.

The combination of the Rural Financial Counselling Service and the Family and Business Support Program provides a comprehensive gateway to wellbeing and business support services that is well recognised and, I think, very much valued by regional communities. These services provide a confidential triage service that connects individuals, families and businesses to specific services such as the Farm Household Allowance and other assistance during difficult situations.

The Australian and South Australian governments have invested in programs to help farmers grow and prepare their businesses for dry conditions, such as the Farm Business Resilience Program, climate tools, and demonstrating more drought-resilient farming practices under the Future Drought Fund. There is also support for drought readiness through the Farm Management Deposit Scheme, income tax averaging and other primary producer concessions.

PIRSA is working with Livestock SA to determine what additional support producers require as more information becomes available. Livestock SA is expanding their existing Red Meat Connect program to meet the demand for additional information on managing stock through these dry conditions. It is understood that Rural Aid has delivered 16 road trains of hay to registered farmers in the Mid North region and some in other parts of South Australia. I am advised that Need for Feed has also donated fodder to the South-East region.

A roundtable meeting of key stakeholders was held on 16 September 2024 in Naracoorte in response to concerns raised regarding the current season on the Limestone Coast. The round table brought together relevant stakeholders to discuss the issues being experienced in the regions, particularly by livestock, dairy and mixed farmers, and any cross-border impacts. Given the lack of improvement in conditions and the long-range forecast, PIRSA is escalating its monitoring of the statewide dry seasonal conditions and will meet regularly with a broad range of industry bodies to identify statewide impacts and emerging issues in all sectors.

Each region, I think it is fair to say, has unique challenges, including production systems, lived experience of drought previously, levels of preparedness and ability to manage challenging seasons. Many are seeking additional information, and PIRSA is keen to provide support in combination with industry associations wherever possible.

AGRICULTURAL SECTOR

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:56): Supplementary: has the minister been advised how many SA farming businesses have applied for the range of business programs or services on which the minister has provided information earlier?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I don't believe I receive statistics on that; however, anecdotally I certainly get positive feedback the many times I am in regional areas speaking with people who have either referred others to those services or have availed themselves of the services individually.

AGRICULTURAL SECTOR

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:57): Further supplementary: would PIRSA have any procedural records of any statistics they might be collecting on the farming businesses that may be impacted by the unprecedented weather conditions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I am happy to ask the department that question and bring back a response.

WOOD FIBRE AND TIMBER INDUSTRY MASTER PLAN

The Hon. R.B. MARTIN (14:57): My question is to the Minister for Primary Industries and Regional Development. Can the minister please update the council about the latest initiative being delivered from the forestry master plan?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for his question and also his ongoing interest in forest industries. The Malinauskas Labor government took to the election a

suite of forestry election commitments for the Limestone Coast to support the industries' continued aspirations to grow their economic value.

Members in this place may recall that earlier this year I joined the Premier in Mount Gambier in announcing the release of the South Australian Wood Fibre and Timber Industry Master Plan. The master plan provides a vision to further grow and develop South Australia's $1.4 billion forest and timber industries. The plan has been developed by the Forest Industries Advisory Council, which has a broad membership from different sectors within the forest industries, in consultation with myself as the Minister for Forest Industries.

It was critical that this master plan had significant input from the forest industries, and I am delighted by the outcome of the significant work that was put into this document. Three goals have been identified through the master plan to strengthen the state's forest and timber industries, and these are: the right resource and capability, a future-focused workforce and a clean and green circular economy.

As a result of the development of this master plan, I recently received a request from industry for the development of a project to encourage people to consider a career in the forest industries in South Australia, which is why a few weeks ago the state government announced that we will invest $250,000, in partnership with the South Australian Forest Products Association (SAFPA), to launch a new forest and timber industries career campaign titled This Is Wood Work.

Wood Work is a powerful tool promoting the broad diversity of career pathways and job options within the forest and timber industries, ranging from forest management, to harvest and haulage, sawing and wood production, and even corporate services. The career opportunities in the forest and timber industries are extensive.

Forest industries are building our nation and, with growing investment in new processing facilities, it is an industry that requires skilled, technologically savvy, and environmentally-driven professionals. The Wood Work campaign will showcase how one can find a career with a diversity of pathways, while contributing to a greener, cleaner future by producing the ultimate renewable product: timber.

It was wonderful to make this announcement at AAM Timber in Mount Gambier recently, and speak with a number of workers who had recently made the switch and changed career paths from other industries to the forest sector. As members in this place would acknowledge, South Australia's Limestone Coast is fast becoming the nation's hub of forestry innovation, particularly with the establishment of the Forestry Centre of Excellence, and expansion of Tree Breeding Australia's research facility, along with the electric log truck trial.

It is an extremely exciting time to be involved in the forest industry here in South Australia, and we want to leave no stone unturned in ensuring that we attract the best and brightest to the industry. This is another example of industry and government working hand-in-hand with the aim to futureproof the forest industry by attracting talented workers to produce timber products that are essential to our everyday needs, such as timber house frames, home furnishings, paper and packaging products such as cardboard boxes and paper cups

I am sure our fellow Mount Gambier residents, of which there is least one here in the chamber, will be pleased to see the campaign highlighted across Mount Gambier in the coming months, with many parts of the city being decorated in This Is Wood Work branding, from billboards on the main street to the back of buses, adverts in the newspaper, on radio and social media, reaching the core demographic of school leavers and young people looking for a meaningful, stable career in a renewable industry.

I would like to thank the South Australian Forest Products Association CEO, Mr Nathan Paine, and communicators adviser, Ms Haley Welch, for their considerable hard work in establishing this exciting initiative for the forest industry. Our forest industry in South Australia is a significant contributor to our state's economy, and I am confident that we will continue to see an emphasis on a future-focused circular economy, sustainably driving the state's economic prosperity with globally recognised skills and innovation.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Energy and Mining in the other place, a question about the troubled Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: I note the government has woken up to the concerns of the steel city and is taking the entire cabinet there on 21 October to meet with various stakeholders and people in the town. Just to correct the Premier in his statement to the House of Assembly today, South Australia isn't the birthplace of the nation's steel industry, that honour belongs to Eskbank near Lithgow in 1901. BHP opened its mill in Newcastle in 1915, using South Australian ore, which was discovered as far back as 1840, but there was no serious steel production in Whyalla until 1941, not the 100 years as the Premier claims.

Sources have told me that the main furnace has been shut down again because 400 tonnes of quartz were incorrectly poured into the furnace. Experienced former and current workers at the plant, some with 20 to 30 years' experience, are questioning whether it was a serious computer error with the chemistry mix for the furnace, or whether it may have been an act of industrial sabotage, as this is the first time such an incident has occurred there in its history. On a normal day, anywhere between 80 and 100 tonnes of quartz might be poured into the furnace, but how did 400 tonnes get in there?

The industrial sabotage theory could have the potential for an insurance claim, and that under the indenture agreement GFG is unable to mine and export iron ore unless it's producing steel. However, if the furnace is unoperational, GFG can still export iron ore. Concerns have also been raised about increasing safety issues at the steelworks with workers reporting various injuries. My questions to the minister are:

1. Has the government asked GFG for an explanation as to what caused it to shut down the furnace, and for how long will the furnace be out of action?

2. Is the government aware of allegations of industrial sabotage?

3. Will the government direct SafeWork SA to conduct a workplace safety audit at the steelworks given workers' increased concerns over health and safety at the plant?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I will refer the honourable member's questions to the relevant minister in the other place and bring back a response.

VIOLENT PROTESTS

The Hon. H.M. GIROLAMO (15:05): I seek leave to give a brief explanation before asking questions of the Attorney-General regarding violent and hate-fuelled protests.

Leave granted.

The Hon. H.M. GIROLAMO: On Wednesday 13 September, a protest against the Land Forces expo in Melbourne immediately turned violent and resulted in dozens of arrests for various offences, including assault on police, throwing acid, arson and blocking roadways. Additionally, local articles reported a Neo-Nazi march in the Adelaide CBD holding a banner stating 'Australia for the white man'. It is something the Attorney has rightly condemned. My questions to the Attorney are:

1. What monitoring is in place to predict violent and hate-fuelled protests here in South Australia?

2. What measures from a legislative point of view are in place to prevent violent protests such as what took place in Melbourne from occurring here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for her question. These are very important issues. I think everybody expects to be able to go about their daily lives safely and freely. I think what we saw in Melbourne was very unfortunate. It caused such a

disturbance and created potential risks—and potentially serious risks—to the safety and lives of people in that city.

The honourable member referred to some of the extreme elements we see in protests and discourse in this state, particularly those that involve elements of hate. The honourable member is right: I have condemned, and I will continue to condemn, such intolerances that promote hate and division in the community.

There was a recent incident of that sort of hate in Adelaide. I have referred and asked the police for some advice about the particular symbolism that was used in that particular incident in Adelaide, because of course there is, under the legislation this parliament has passed outlawing and creating a criminal sanction against the use of the Nazi symbols, the ability by regulation to prescribe further things on from the Hakenkreuz, the Nazi Germany hijacking of the symbol that had been used for centuries—the swastika by many faiths. If the advice comes back that that ought to be included as a hate symbol in that banning of Nazi symbols, that is something we of course absolutely will do.

I won't go into a lot of detail, but I think we can all rest assured—and I have indicated to the chamber before—that there is quite a lot of cooperation that goes on between federal authorities and state authorities in relation to this sort of extremism. I know that the authorities, together, do a lot of work, a lot of intelligence gathering, to try to prevent some of what we see and rightly condemn.

MALKA ABORIGINAL ART PRIZE

The Hon. T.T. NGO (15:08): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about the Malka Aboriginal Art Prize exhibition held in Port Augusta?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I thank the honourable member for his question. I know the honourable member is a very fond and regular visitor to many of our regions and many Aboriginal communities, including areas around Port Augusta. He was a very capable Chair of the South Australian parliament's former Aboriginal Lands Parliamentary Standing Committee, so he is very familiar with many of our areas in South Australia and many of the achievements of Aboriginal people and Aboriginal communities.

I spoke recently in this chamber about spending time during NAIDOC Week in Port Augusta for celebrations earlier this year. It was fortuitous timing that I was able to be in Port Augusta during NAIDOC Week while the Malka Aboriginal Art Exhibition prize was also on display in the Yarta Purtli Art Gallery in Port Augusta for the 15th year of this Aboriginal art prize. This prize was initiated by the late Mr Marvin McKenzie Senior, who had a vision for an Aboriginal art show that ensured the Aboriginal community would have a space to showcase their work and culture.

'Malka' is a word used by several Aboriginal nations within the greater Port Augusta region, meaning 'mark' or 'painting'. This year's exhibition attracted 55 extremely high-calibre entries right across the Far North, Mid North and Eyre Peninsula regions, and offered a $5,000 grand prize, sponsored by Bungala Solar Farms, with $2,000 worth of art supplies sponsored by the NIAA and a free solo art exhibition at the gallery next year.

I had the distinct pleasure of viewing all the incredible entries at the exhibition in Port Augusta, and if it was up to me I would have given a prize to every single entry. When I was up there viewing the paintings the prizes hadn't been awarded, but the organisers took great delight in trying to have me guess which I thought would win the various categories. It was easy for me because I gave prizes to every painting entered in all the categories. But, sadly, that is not how competitions work and winners were chosen.

I am very pleased to say that this year artist Josephine Lennon from Ceduna Arts won the 2024 major prize, with a remarkable painting titled *Fire (Waru)*. Josephine also took home the well-deserved People's Choice Award, as voted by the members of the public who visited the gallery during the weeks leading up to the final voting. At this year's art prize there was also a new category for the Flinders Ranges and outback regions of South Australia, with the inaugural award being given to two joint winners: artists Margaretta Alington and Maisie Winton from Port Augusta and the Davenport communities respectively.

The winner of the Elder prize was artist Verna Lawrie, a well-known member of the Ceduna Arts Group, whose striking painting depicted the seven sisters dreaming story. A further award that was very well deserved was the Port August City Council junior artist award that went to Makira Buzzacott. Congratulations to all winners who made this year's Malka Aboriginal Art Prize in Port Augusta such a special event. I can't wait to have a look next year at all the entries and the well-deserved winners.

DUKE OF YORK HOTEL

The Hon. R.A. SIMMS (15:12): I seek leave to make a brief explanation before directing a question without notice to the minister representing the Minister for Planning on the topic of the Duke of York Hotel.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, it was announced that the historic Duke of York Hotel will be closed and gutted to build a 33-storey student accommodation tower. The plans will retain only a majority of the facade in the redevelopment. The Duke of York is a local heritage place and hosts regular comedy nights, DJs and live music—sounds very similar to a scenario we have dealt with before in this parliament.

Just this month, the Governor assented to the Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill, which aims to protect designated live music venues. My questions to the minister representing the Minister for Planning therefore are:

1. Will the minister designate the Duke of York Hotel a live music venue under the amendments that were recently made to the Planning, Development and Infrastructure Act?

2. What is the minister doing to retain the heritage value of this building?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13): I am happy to refer those questions to the Minister for Planning in the other place and bring back a response.

DISABILITY MOTOR DRIVER TRAINING

The Hon. B.R. HOOD (15:13): I seek leave to make a brief explanation before asking a question of the parliamentary secretary to the Premier and Assistant Minister for Autism regarding motor driver training for the neurodivergent community.

Leave granted.

The Hon. B.R. HOOD: Driving instructor Kevin Daminato sent a media release to all members of the Legislative Council on Tuesday, expressing his concerns about the government's proposed driver trainer reforms. By proposing to abolish the competency-based training and assessment for learner drivers, Mr Daminato is concerned that 'the South Australian government is on the verge of snubbing community members that suffer from autism, anxiety or disabilities'. My questions to the Assistant Minister for Autism are:

1. Is the minister aware of the concerns of Mr Daminato and other specialist driving instructors for the neurodivergent and disability communities?

2. Will she commit to ensuring the neurodivergent community is consulted with on the landmark proposal to reform the driver training industry?

The Hon. E.S. BOURKE (15:14): I thank the honourable member for his question. I note that he has been doing work in this space in his local community. My office has been in discussions with the minister's office and I will refer his further questions to the minister in the other place.

RIVER MURRAY FERRY SERVICES

The Hon. M. EL DANNAWI (15:14): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the recent announcement to secure ferry services in the Murraylands and Riverland?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I thank the honourable member for her question. South Australia has 12 free River Murray ferries which operate 24 hours a day/seven days a week from Lyrup to Narrung. The River Murray ferry services provide vital transport for locals and visitors alike. Their importance to the community was particularly highlighted during the 2022-23 floods when many ferries had to close due to safety issues with high waters. This resulted in extended detours, often resulting in many hours of extra travel time for residents.

The Malinauskas Labor government understands the importance of regular ferry services to our river communities. That is why the government has committed an additional $37.4 million over the next 10 years to protect our state's vital River Murray ferry services. This brings the state government's total investment in the River Murray ferry services to over $110 million. Without this funding boost from the Malinauskas Labor government, our state's river communities would have risked downgrades in ferry services and potentially reduced operating hours, which would put at risk vital connectivity for those residents, because, after all, the ferries do not just provide transport for locals and visitors, they are vital to communities for both emergency and health services, education, work and transport of freight. They are a lifeline to residents and the additional funding ensures the role of the ferries in regional resilience continues into the future.

I am very pleased that we have been able to announce this funding boost as the River Murray communities and the region continue to rebuild and strengthen. It is also important to mention that this funding boost supports local jobs, with ferries involving approximately 70 full-time equivalent jobs. The new up to 10-year contracts, being an initial five-year term with the option for a five-year extension, begin on 1 November this year.

The new contracts include Mannum, both upstream and downstream ferries, with Murrundi Ferry Services; Waikerie with Kingfisher Ferry Services; Lyrup also with Kingfisher Ferry Services; Purnong with Little Ferry Services; Wellington and Narrung, Little Ferry Services; Tailem Bend, Murrundi Ferry Services; Walker Flat, Little Ferry Services; Morgan, Kingfisher Ferry Services; Swan Reach, Little Ferry Services; and Cadell, also Little Ferry Services.

The government continues to work with existing and new contractors to ensure the transition on 1 November is seamless. Current ferry services will continue to operate as usual throughout that time. I was very pleased to be able to be in Mannum talking with local people about the ferry services last weekend and I welcome the additional funding to support these vital services.

RIVER MURRAY FERRY SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:18): Supplementary: is the additional $37.4 million simply a continuation of the contract rather than upgrades or improvements in accessibility of the ferries during any future flooding event?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): The additional funding is to continue the ferries and avoid what otherwise could have been potential downgrades and reduction in hours.

RIVER MURRAY FERRY SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:18): Supplementary: so was the minister at any time in the last two years considering not continuing on the ferry operations?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): The funding is to ensure that they can continue as 24/7 services across the state without any downgrades or restriction and reduction in hours.

RIVER MURRAY FERRY SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): Supplementary: was the minister considering downgrades of the ferry services?

The PRESIDENT: I am not sure that arose from the original answer.

CHILD PROTECTION

The Hon. S.L. GAME (15:19): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development, representing the Minister for Child Protection, about the death of children living in state care.

Leave granted.

The Hon. S.L. GAME: An article in today's *Advertiser* revealed that 11 children living in state care or who had red flags raised about their safety died last financial year. The report says these children were subject to calls to the Child Abuse Report Line; however, the number of calls made regarding each child was not revealed. Additionally excluded were details about their age, the cause of their death, the reason they were reported to authorities, how many of them had been taken into care before their death, and how many of them were still living at home. My questions to the minister representing the Minister for Child Protection are:

1. What is the real reason this information has been excluded?

2. Is it the fear that the department will be identified as failing to do its job?

3. Will Minister Hildyard put pressure on the department to ensure the release of these details, including the age of these children and the number of CARL reports made about these children, so that we understand full transparency and accountability can be pursued?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for her question. The tragedies that we have heard about through media reports I am sure have touched all of us. No-one wants to see any child in a situation where their circumstances are so difficult. I am happy to refer the question to the minister in the other place and to bring back a response.

Bills

CRIMINAL LAW CONSOLIDATION (STALKING AND HARASSMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and to make related amendments to the Evidence Act 1929, the Intervention Orders (Prevention of Abuse) Act 2009, the Sentencing Act 2017, and the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Law Consolidation (Stalking and Harassment) Amendment Bill 2024. This bill will expand the existing offence of unlawful stalking in the Criminal Law Consolidation Act 1935 to cover a broader range of stalking conduct and to ensure that new methods of cyberstalking are adequately reflected.

The reforms will acknowledge the increased prevalence of stalkers using digital technologies and social media to stalk their victims. Whilst new digital technologies have been beneficial in a number of ways, they have unfortunately also created new avenues for abuse and harassment. A person may be stalked not only by being physically followed but by the stalker following them in the virtual world, leaving offensive comments on their social media posts and bombarding them with unwanted messages. Digital technologies also provide new mechanisms to track a person and keep them under surveillance.

To prove the offence of stalking, it must be proved that the defendant engaged in stalking behaviours on at least two occasions. The provision sets out a list of stalking behaviours, including giving or sending offensive material to the other person; communicating with the other person, or to others about the other person, in a way that could reasonably be expected to cause apprehension

or fear; or acting in any other way that could reasonably be expected to arouse the other person's apprehension or fear.

Whilst some of the examples include references to digital communications, these are inconsistent and outdated. These references are replaced with a blanket provision stating that any of the behaviours listed in section 19AA(1)(a)(iv) to (v) can include conduct engaged in by way of the internet, electronic communication or social media, as well as by telephone, email, or in person.

The bill will expand the listed stalking behaviour of 'keeping a person under surveillance'. This will be replaced with the much broader phrase, 'monitor, track or surveil the other person, or the person's movements, activities or associations'. This reflects the broader types of surveillances allowed by digital technology. The bill will insert a list of examples of digital monitoring and surveillance, including using tracking devices, accessing a person's internet browser history or monitoring their email communications.

The bill will also expressly provide that stalking can include impersonating someone by publishing material that appears to have been published or authored by that person, for example by creating a fake social media account in their name and posting content that purports to be written by them. This will be considered stalking if it could reasonably cause the impersonated person apprehension or fear.

The bill will also expand the mental element for the offence of stalking. Currently, to convict someone for stalking a court must be satisfied that the stalker intended to cause the victim serious physical or mental harm, or serious apprehension or fear. However, this represents a very narrow subset of the broad range of motivations for stalking behaviour. There are stalkers who are fuelled by a narcissistic hubris and genuinely believe that their conduct might lead to a relationship with the victim being kindled or rekindled. Some stalkers might see themselves as being protective, particularly in domestic abuse situations.

Currently, it is difficult to convict such persons of stalking as they do not subjectively intend to cause harm. However, their behaviour is still frightening, invasive and unwanted. They still violate the victim's right to privacy and peaceful enjoyment of their lives. They do not respect the victim's right to say 'no' to continued contact.

The bill will add an alternative mental element for the offence of stalking, namely that the defendant knew, or ought reasonably to have known, that their conduct would cause physical or mental harm, or serious apprehension or fear. This will cover situations in which a stalker does not subjectively intend to frighten the victim, but any reasonable person could tell that the behaviour would be objectively frightening.

The existing intent element will also be modified to provide that, if the defendant did intend to cause physical or mental harm, the prosecution need not prove that the intended harm was serious. Intent to cause any harm will be sufficient to prove the offence. The seriousness of the intended harm can be considered in relation to sentencing.

Lastly, the offence will be renamed 'stalking and harassment'. This better reflects what the offence already covers. Several existing items on the list of stalking behaviours could alternatively be described as serious harassment, including repeated communications with the victim, giving offensive material to the victim or publishing offensive material about the victim. Renaming the offence will enhance public understanding of what is unlawful and encourage people subject to these behaviours to report them to police.

I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of heading to Part 3 Division 5

This clause alters a heading and is consequential to the proposed changes to section 19AA.

4—Amendment of section 19AA—Unlawful stalking

This clause amends section 19AA to include reference to 'harassment', expands the list of conduct that constitutes stalking and harassment and adds an alternative mental element for the offence.

Schedule 1—Related amendments

The Schedule makes related amendments to the *Evidence Act 1929*, the *Intervention Orders (Prevention of Abuse) Act 2009*, the Sentencing Act 2017 and the *Summary Offences Act 1953* to include reference to 'harassment'.

Debate adjourned on motion of Hon L.A. Henderson.

ABORIGINAL HERITAGE (MISCELLANEOUS) AMENDMENT BILL

Final Stages

Consideration in committee of message No. 163 from the House of Assembly.

(Continued from 11 September 2024.)

The Hon. K.J. MAHER: I move:

That the House of Assembly's amendments be agreed to.

These amendments are predominantly administrative in nature, such as updating the names and definitions as referenced in other acts, particularly in other acts that have come into force since this bill was originally put into parliament some 12 months ago. There are amendments that expand the powers of inspectors in the act, as these powers were found lacking in recent investigations since the bill was originally put into parliament. The powers inserted by the amendments are modelled on the enforcement powers in the Environment Protection Act and the Landscape South Australia Act.

Importantly, these amendments do not diminish any of the heritage protection requirements as intended more broadly in this bill. However, these amendments insert a more streamlined process in the bill, particularly in relation to stopping works and reporting discoveries of Aboriginal heritage while working under an authorisation granted by the Aboriginal Heritage Act.

Those amendments require the proponent to stop work only for discoveries of Aboriginal sites or remains or for new information about Aboriginal heritage or sites. The details of the required timeframes and buffer zone works for stoppages and timing for reporting discoveries of Aboriginal sites and objects or remains to the minister are more flexibly determined in conditions attached to the authorisation or management methodologies negotiated with traditional owners and approved by the minister rather than set out prescriptively in the act.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition's support for the amendments to the Aboriginal Heritage (Miscellaneous) Amendment Bill 2023. Whilst we may sit across the chamber from the government, there are times when we must come together to ensure that important legislation such as this is passed in a form that best serves to protect Aboriginal heritage and the practical needs of those working under authorisations.

The amendments made to this bill reflect thoughtful and necessary adjustments to the Aboriginal Heritage Act. One of the key amendments is the introduction of section 20A, which addresses the process for reporting the discovery of Aboriginal heritage during authorised activities. The amendment allows for greater flexibility: objects can be catalogued and stored while works continue, subject to conditions imposed by the minister. This pragmatic and sensible solution recognises the reality on the ground.

We must acknowledge that an immediate halt to all work wherever heritage is discovered can be unnecessarily disruptive. The opposition supports a balanced framework that allows for heritage protection without undue delays. This amendment's flexibility ensures that we can protect significant cultural heritage while still allowing critical development projects to proceed responsibly.

The opposition also supports the amendments that expand the powers of the inspectors under clauses 7A and 7B. By aligning enforcement powers with those found in established legislation like the Environment Protection Act, these amendments equip inspectors with the tools they need to intervene swiftly where Aboriginal heritage is at risk.

This is about ensuring accountability. Stronger enforcement mechanisms mean we can better protect heritage sites from intentional or reckless damage. The inclusion of a process for inspectors to apply for warrants further strengthens this bill's capacity to safeguard cultural sites effectively.

Another important area of support is the clarity provided around the responsibilities of traditional owners. Amendment No. 4 makes it explicit that traditional owners working under an authorisation to develop land must report any discoveries of heritage. This ensures that traditional custodians remain key participants in protecting heritage even when involved in projects that might put cultural sites at risk. This is about maintaining cultural integrity while facilitating development without compromising Aboriginal heritage. This bill supports their role in heritage preservation by ensuring traditional owners are involved and empowered.

Whilst we on this side of the chamber may not always agree with the government's approach, in this instance, the amendments made to the Aboriginal Heritage (Miscellaneous) Amendment Bill 2023 strike the right balance. They provide the necessary flexibility for development while upholding our shared responsibility to protect Aboriginal heritage.

By supporting this bill, we show that heritage protection can coexist with sensible, responsible development. This is a balanced, thoughtful approach, and I believe it serves the best interests of both Aboriginal communities and those working under authorisations. The opposition supports these amendments.

Motion carried.

CASINO (PENALTIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 September 2024.)

The Hon. F. PANGALLO (15:34): I will keep it short. I just rise to say that I will be supporting the bill. I look forward to the debate, and I will have some questions in relation to that.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:35): I am very happy to conclude the debate. I am a bit shocked though. I saw the Hon. Mr Pangallo's name down to speak and 30 seconds later I find myself up on my feet. I look forward to this new chapter in Mr Pangallo's parliamentary experience. This is fantastic. I very much thank Mr Pangallo for his contribution, and I thank all other members who have made contributions on this important bill, and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: A question to the Attorney-General: can I ask what sparked the review of these penalties? Was it the civil action against the Casino by AUSTRAC?

The Hon. K.J. MAHER: I am advised that the genesis for reviewing, and the bill before us, was the fact that the penalties had not been reviewed for some 30 years, and a comparison was done with other jurisdictions to make them more appropriate.

The Hon. F. PANGALLO: But was there an epiphany by the minister after the civil action that was going on between the Casino and AUSTRAC, because why would it be 30 years before suddenly someone realised these penalties were inadequate?

The Hon. K.J. MAHER: My advice is there has been a significantly increased focus on casinos and their operations right across Australia, which was the genesis for having a look at, and the bill before us.

The Hon. F. PANGALLO: How did the minister arrive at these penalties? What was the criteria for those?

The Hon. K.J. MAHER: I am advised it was a combination of taking into account penalties as they apply in other jurisdictions across Australia combined with the nature of our jurisdiction, that is, our size and the number of licences.

The Hon. F. PANGALLO: Has the Casino made good on its commitment that it would pay a penalty following the conclusion of the civil action with AUSTRAC?

The Hon. K.J. MAHER: I am advised that that particular issue is a matter for the Federal Court of Australia.

The Hon. F. PANGALLO: In the event that the Casino does pay that penalty through to the Federal Court, would the Casino still be liable to be fined under this legislation and under the new penalties, or would payment of that penalty exonerate them or make them not liable to pay a further penalty?

The Hon. K.J. MAHER: I thank the honourable member for his question. That would be possible. It does not preclude the state having a look at penalties. I am advised that the state would need to take into account any other penalties that had been applied, but I am further advised that a monetary penalty is not the only sanction the state has available.

The Hon. F. PANGALLO: Is the state or the minister actually considering applying another penalty to the Casino right now?

The Hon. K.J. MAHER: I am advised that is not a matter for the minister: that is a matter for the commissioner. I am further advised it would have to take into account the Martin investigation.

The Hon. C. BONAROS: Is it more the case that, in relation to these updates that we have discussed and in light of what has happened in other casinos, there were requests for the Casino to undertake certain actions, and a very lax approach, if you like, by the Casino in responding to those requests—

The Hon. K.J. MAHER: Requests from the state regulator?

The Hon. C. BONAROS: Yes.

The Hon. K.J. MAHER: I am advised that the commissioner appointed an independent monitor to give advice and to monitor and further give advice on compliance.

The Hon. C. BONAROS: Is it also the case that that further monitoring is indeed still underway and that there are a number of responses required by the Casino in relation to that compliance?

The Hon. K.J. MAHER: I am advised that is the case, yes.

The Hon. F. PANGALLO: A question to the Attorney-General in relation to CBS: I note that there have been some significant movements at CBS. Who is the commissioner? I do not think one has been appointed. If it is an acting commissioner, do they have the authority or have to wait until one is appointed?

The Hon. K.J. MAHER: I am advised that the acting commissioner is Ms Stephanie Halliday, who has taken on various acting commissioner roles, notably for a while the Acting Commissioner for Equal Opportunity in the past. I am advised that they have all the powers that a commissioner has.

The Hon. C. BONAROS: Is the Attorney able to provide two updates to the chamber: one in relation to the timeframe for that review that is continuing, and secondly in relation to the payroll tax liability of the Casino that is the subject of the contention between the government and the Casino?

The Hon. K.J. MAHER: I am much obliged to the honourable member for her questions. I am advised that in terms of timeframes—and I was not sure which area the honourable member meant—but in terms of the Martin report I think it had been previously stated that it is hoped by the end of the year. In terms of the ongoing monitoring, to which I answered before, there is not a set timeframe and it does not have an end date. In relation to the payroll tax liability, I am advised that is a matter that is with the Treasurer and is being discussed or negotiated.

The Hon. C. BONAROS: Just to confirm for the record, when that Martin review does conclude then the question of suitability of being able to hold that licence in the state will be a matter of consideration.

The Hon. K.J. MAHER: I am advised that is correct.

Clause passed.

Remaining clauses (2 to 20), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:46): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (PUBLIC REGISTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:47): I rise today as the opposition spokesperson to express our unequivocal support for the Child Sex Offenders Registration (Public Register) Amendment Bill 2024. This bill represents a pivotal moment for our state and a necessary step in our collective efforts to safeguard the most vulnerable amongst us—our children.

Let's take a moment to reflect on the current state of affairs. Right now, members of the public in South Australia cannot request information about whether a registered child sex offender lives in their area. Think about that. In a world where we take so many precautions to protect our families, whether securing our homes or ensuring our schools are safe, parents, guardians and even concerned community members are left in the dark when it comes to something as fundamental as the safety of children.

This amendment seeks to change that. Importantly, it gives SA Police, subject to strict application processes, the authority to provide details and photographs of dangerous high-risk offenders in the applicant's suburb or nearby areas. This is not a decision to be made lightly, but it prioritises the safety of our children and our communities over everything else.

Clause 6 of the bill introduces some of the most significant changes. It ensures public access to the register for offenders who continue to pose a threat to the public, especially our children. Under this clause if a registered offender is found guilty of another serious sexual offence against a child or if the commissioner deems them to be a continuing danger to the lives or sexual safety of individuals, their details will be added to the public register.

I want to pause here. Consider this: imagine being a parent and sending your child off to school or to the local sports team or even to the playground, if there is someone in your community who has committed the most abhorrent acts against children and poses an ongoing risk. Would you not want to know? Would you not feel it is your right to be informed so you can take necessary precautions?

This bill is designed to provide critical information whilst ensuring that it is used responsibly. It is not a blanket release of information. There are rigorous safeguards in place, and the commissioner must consider multiple factors before any information is released—factors like the psychological and medical assessments of the offender, their patterns of behaviour and the age of their victim.

Importantly, this amendment ensures that child offenders, those under the age of 18, are excluded from being publicly identified. We understand that rehabilitation is key, and we are committed to balancing the need for public safety with fairness.

New sections 66FA and 66FB further outline the steps for individuals who wish to request information about offenders living in their area. The process is straightforward but thorough. Individuals will need to submit an application with a prescribed fee and provide any necessary evidence to the commissioner. This ensures that the system is not abused but instead used as intended—that is, to protect the public.

Moreover, the commissioner will have the discretion to decide whether or not releasing an image of an offender could risk identifying their victim. Victim's rights must always be protected. This bill recognises that the public's right to know cannot come at the expense of retraumatising those who have already suffered.

Clause 7 is equally important as it addresses the issue of vigilantism. We cannot and will not tolerate the misuse of this register. Let me be clear: this is a tool for protection, not persecution. Individuals who attempt to use this information for harassment or retribution will face serious penalties. The message is clear: you will be held accountable if you misuse this information.

In addition, this bill closes a critical loophole with clauses 3 and 4, which amend the definition of a 'foreign registrable offender' and 'foreign registrable offence'. This means that child sex offenders from outside South Australia will no longer be able to circumvent our reporting requirements by moving across state lines. We must ensure that our borders are not seen as a refuge for offenders looking to escape justice.

The bill also strengthens police search powers, expanding their ability to monitor all registered offenders, not just serious ones, and inspect any digital devices they own. This, too, is a necessary measure in a world where technology plays an increasing role in criminal activity.

We should not underestimate the impact of these reforms. This is a comprehensive approach to managing and monitoring child sex offenders. It empowers law enforcement, equips the public with critical information and closes loopholes that could otherwise be exploited. However, more than that, it sends a message. It tells the people of South Australia that their safety matters, that the safety of their children is paramount and that we will do everything within our power to protect them.

As I conclude, I want to emphasise that this bill is not about spreading fear or punishing offenders indefinitely. It is about transparency, safety and responsibility. It is about ensuring that every parent, guardian and community member has the tools they need to protect their loved ones. This bill gives us those tools, which is a step in the right direction for our state. I commend the bill to the chamber and thank my colleagues for their consideration.

The Hon. L.A. HENDERSON (15:53): I rise today to briefly speak in support of the Child Sex Offenders Registration (Public Register) Amendment Bill 2024. I indicate that the Hon. Nicola Centofanti MLC is the lead speaker for the opposition on this bill and has already articulated what this bill seeks to address.

The South Australian disclosure scheme follows the Western Australian model. Tier 1 of the model provides for the publication of the photos and information on registrable offenders who have not fulfilled their reporting requirements and whose location is unknown, as is already available under the Child Sex Offenders Registration Act. The purpose of the publication of the information is to find the wanted registrable offender and to keep the community informed.

Tier 2 will allow South Australia Police, subject to an approved application, to provide photographs of a dangerous and high-risk offender in an applicant's suburb or surrounding area and seeks to enhance public awareness and safety.

Tier 3 will establish a parental disclosure scheme, whereby the commissioner may provide a parent or guardian of a child with information about a specific person who has regular unsupervised contact with their child. This information is provided to better place a parent or guardian in a position to take appropriate steps to safeguard their children, if necessary.

Currently in South Australia members of the public cannot inquire to see whether a registered child sex offender lives in their area. It is crucial that we continue to do all that we can and do all that can be done to ensure a safe state for South Australia's most vulnerable, and to take all measures to protect those who cannot protect themselves. I have recently spoken in this place about the shocking number of cases listed in the South Australian District Court that are child sex assault and child exploitation related matters. We know that one in three girls and one in five boys are sexually assaulted by the time they turn 18.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that survivors of sexual assault take, on average, 24 years to tell someone what has happened to them. Some may ultimately never come forward and report these crimes. Naturally, that means the numbers we are looking at in the District Court are but a fraction of what it looks like in the community.

I raise this to indicate the serious need for initiatives to try to target and reduce offending against children and young people and to protect South Australian children. In doing so, it is important to balance the protection of the rights of the victims to ensure that they are not retraumatised or identified, whilst recognising the public's right to know and to be able to keep their children safe. In doing so, this cannot come at the expense of retraumatising those who have already been served a life sentence through no fault of their own at the hands of someone who should have kept them safe and who should have known better.

These measures will not only equip the police and commissioner with greater capabilities to ensure ongoing vigilance over those on the registry but also to further hold them accountable for their actions, together with the community, reinforcing the message that our state will not tolerate harm against children. It is my belief that it is everyone's responsibility to ensure that children are kept safe so they can maintain their innocence and their childhood for as long as possible.

It is vital that as a parliament we prioritise the safety of children and families and ensure that victims are kept at the centre of our response in doing so. Families should be equipped with this information to keep their families safe, and that is ultimately why I support this bill.

The Hon. S.L. GAME (15:57): I rise to offer full support for the government's tough approach on child sex offenders, and I commend the government for fulfilling its commitment to protect our children from predators. Members of the community can now apply to SAPOL for information that will identify high-risk offenders in their suburb and surrounding area, and this is an important and worthwhile measure that will improve public safety and awareness, which will ultimately reduce the risk to our children.

The parental disclosure scheme also offers parents a valuable tool to safeguard their children from being exposed to potential harm. If your child has regular unsupervised contact with an adult, a parent can now apply to the commissioner to be informed if the adult is a registerable offender. In response, the commissioner may inform the applicant if the adult is a registerable offender. Such measures do not eliminate all risks, but these are important measures that parents and members of the community can take to keep our children safe from those who could cause them harm. If even one child is kept safe because of these measures, it will be worth it. I commend the government for introducing these measures and pledge my ongoing support to keep our children safe.

The Hon. C. BONAROS (15:58): I rise today to speak in support of the Child Sex Offenders Registration (Public Register) Amendment Bill 2024 and note that this was a government election commitment, but one that obviously has the support of all of us in here, intended to increase community safety and raise awareness regarding high-risk child sex offenders.

While no legislation can offer a complete solution, I think the bill is a significant stride towards empowering families and protecting our children. As others have said, it introduces a structured three-tiered system designed to provide that clear practical mechanism for the community to access

important information about registered child sex offenders, with appropriate safeguards of course in terms of privacy and confidentiality where necessary.

Tier 1, as we know, is already operational and already provides a public alert mechanism for locating offenders who are actively wanted by the police. As of today, I understand there are no wanted child sex offenders listed on that SAPOL website, but that existing tool ensures that information about those high-risk offenders, whose whereabouts are unknown, is accessible.

Tier 2 provides a locality search, which gives the opportunity to access non-identifying information about child sex offenders residing in a specific area, and I think it does strike the right balance between public safety and privacy. I understand the disclosure of information under this tier does not include identifying details such as names or photographs. Individuals will need to provide proof of their home address and discretion will remain with the police commissioner, importantly, to determine whether the disclosure is indeed appropriate, particularly in cases where the offender was of a similar age to the victim.

We have had lots of debates in this place about what we have dubbed the Romeo and Juliet cases. I think that is an important discretion that the commissioner has because there may be instances where somebody is on this register but the circumstances of how they came onto the register really need to be taken into account, so I think that is a very important inclusion in this bill.

Tier 3 introduces the disclosure scheme that allows parents or guardians to request specific information when they have concerns about a person who may have contact with their children, such as a babysitter or a private tutor or whatever the case may be. Those second and third tiers are also subject to stringent confidentiality rules in terms of ensuring that the release of information is handled responsibly and does not lead to unnecessary panic or indeed harassment.

I understand there are not going to be any fees for tier 2 or 3 applications so it will be accessible to all who have legitimate concerns. I do note the Western Australia model, which this bill closely mirrors, has been in operation for more than a decade and I understand there have not been any major issues raised about its operation, which is a good thing.

While there are valid concerns about the potential for vigilantism and I think that it is a genuine concern, or social exclusion of offenders, which is also a genuine concern when details are made public, the safeguards in the bill, such as withholding that identifying information and requiring proof of residence, are designed and do go towards mitigating those risks.

The bill provides a framework for empowering parents and making communities feel safer but we should not pretend it is a magic bullet. We all know it is not. The reality is that most child sex abuse occurs within the home or in the trusted family circle. Public registers are important but they are not designed to address those situations. They are for the most part a tool for preventing offences by strangers.

I note that in 2018 the Australian Institute of Criminology reviewed the impact of public sex offender registers in Australia and internationally, particularly in the UK and US, and the results were mixed, so we will have to wait and see. Some examples of public registers have led to job loss, social isolation and mental health issues for offenders—factors that increase the likelihood of reoffending, which is what we do not want.

I am satisfied that the bill does contain safeguards sufficient enough to prevent such outcomes but, as I said, I think it is very much a case of wait and see in that respect. If I can just give an example under tier 2, the lack of photos or specific identifying details is really intended to reduce the chances of mistaken identity or unjust targeting, and that is just one example. I guess the point is that this bill, and given the complexity of the area that we are dealing with, is not without its challenges.

I think also the state government indicated to me that funding has been made available in the most recent budget. The government has already committed to a virtual police station but we will have to watch this space because we simply do not know what is going to happen. We can look at what happened in WA but it will be a bit of a wait and see in terms of the capacity of our police force to handle an influx of inquiries from concerned parents, particularly those who may become overly vigilant. That is not a criticism; that is something we are going to have to watch, wait and see. We

need to ensure, I guess, overwhelmingly, that SAPOL is actually equipped to manage this additional responsibility without diverting critical resources from other areas.

With those words, again, it is a credit to this parliament that we have some of what I think are the best child exploitation laws in the country, and this is complementary to that. We know that none of that will eradicate, sadly, child sexual abuse or entirely prevent reoffending, but this is certainly an important step towards making our communities feel safer. It will provide families with that practical tool to help protect their children from harm and I think, in that respect, strikes the reasonable balance between public safety and offender rehabilitation.

I do note the registration will apply to class 1 or 2 or high-risk offenders prescribed by regulations, and I foreshadow a couple of questions in relation to that aspect of the bill when we get to the committee stage of the debate.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:05): I want to thank all members who have made contributions on this important legislation. I want to thank them for their acknowledgements of the fact that we all have a sort of joint enterprise and commitment in keeping children in South Australia as safe as we can.

I look forward to the committee stage and then setting up this register that intends to keep children safe. As members have pointed out, we know from the experience of some 10 years of very similar schemes, such as that running in WA, that some of the legitimate fears that people hold about such things as vigilante action have not transpired.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I am interested to understand what the government is doing to prevent child sex offences before they happen and what early intervention measures are in place, in addition to, obviously, this bill and some of the other reforms we have dealt with in the parliament. Are there any measures that have been put in place to try to stop this kind of behaviour before it occurs?

The Hon. K.J. MAHER: There absolutely and certainly are many measures that are in place; in fact, this chamber has considered and passed measures that go very directly to that in recent times. One of the measures is something that the Hon. Connie Bonaros championed, and that is making sure that child sex offenders do not work in the workplace directly with children, and that goes directly to a preventative measure to stop these sorts of things happening in the first place.

We passed laws in this chamber to strengthen Carly's Law, which make it abundantly clear that when an undercover police operative poses as a child, an offender can still be prosecuted because they thought it was a child that they were making contact with. We have very significantly increased the penalties to act as a deterrent for anybody who seeks to commit these crimes. This is, I do acknowledge, at the other end, once offences have occurred, but we absolutely have taken many measures to start to prevent it.

Probably the most substantial measure that we have taken is legislation that allows for the indefinite detention of repeat serious child sex offenders until they can demonstrate, to two independent court-appointed experts, that they are now willing and able to control their sexual instincts.

It is, I think, the most comprehensive suite of measures—aimed at exactly what the honourable member is talking about, those preventative measures to stop people committing these offences—that I have seen, certainly during my 20 years' involvement in South Australian politics and parliament, in one term of parliament. Good question.

The Hon. C. BONAROS: I have a couple of questions. The first is in relation to any notification requirement, which I did not pick up in the bill, of the actual offender. At what point are

they notified, if at all, that their details are to be kept on a register and subject to release upon request?

The Hon. K.J. MAHER: In the first instance, if someone is a registerable child sex offender they are aware because they have a whole lot of things, including reporting obligations, if they are on the register. In terms of are they specifically notified if an application has been made on level 2 or 3, if someone who lives in their suburb has sought a photograph or if they have regular contact with a child, there is not an automatic notification that goes to that person.

It may be the case that they become aware because they are asked to come in for an updated photograph to be taken and it may well be that they are told the purpose of that photograph. However, because there are very strict obligations on anyone to whom this information is given on not passing it on any further, there is no automatic notification to that offender.

The Hon. C. BONAROS: Going on from that, I note that the bill talks about the class 1, class 2 and the high-risk offenders, and prescribed offences are actually inclusive of those three categories. Can the Attorney provide some examples of the sorts of offences? If I can use an example of a child-like sex doll, would that fall into one of those offences in class 1 or 2?

The Hon. K.J. MAHER: It is not always easy because these generally list the section of various other statutes of the offence rather than the name of the offence, but I am advised that the offence the honourable member particularly refers to is a class 2 offence listed under subsection (g)(aa). An offence against section 63AAB of the Criminal Law Consolidation Act, possession of child-like sex dolls, is a class 2 offence. My advice is that you will be a registerable child sex offender for a class 2 sex offence unless there is only one offence and it has not involved prison time. Except for that, as a class 2 offender, you will be a registerable child sex offender.

The Hon. C. BONAROS: To be clear as a matter of the public record—and there is no eloquent way of saying this—it is not necessarily only linked to the actual offending against a physical child, the offences may apply to somebody who has indeed committed child exploitation material offences, including photos, pictures, depictions, and the child-like sex doll offences that I referred to earlier?

The Hon. K.J. MAHER: Absolutely. There are various child exploitation material (CEM) offences in class 1 offences where any conviction has you as a registerable child sex offender. So, absolutely, there is a huge range of offences. There are contact offences that directly abuse a child, but there is a very large range of offences where it is not a contact offence, but of course when you produce or you procure child exploitation material you are necessarily creating a market for this sort of vile material that directly leads to the abuse of children.

The Hon. R.A. SIMMS: Can the Attorney advise what support exists for survivors of child sex offences and what the government is doing in terms of providing services and support to them?

The Hon. K.J. MAHER: I do not have a list of specific programs. There are a range of programs that aim to support victims through victim support services, through a whole range of other areas. If the honourable member is happy I am happy to take that on notice and provide a more comprehensive response than I am able to do immediately.

The Hon. R.A. SIMMS: The government has referenced the WA example; I understand there was reference to that in crafting this legislation. Is the minister able to advise on whether there have been any increases in cases of vigilantism in that jurisdiction, and is he able to advise whether or not this new register has resulted in a reduction in offences in that jurisdiction?

The Hon. K.J. MAHER: I thank the honourable member for his question. I will take the second one first in relation to a reduction in offences as a result. I am advised that we do not have information on that. I think it would be difficult to measure it as being a result of one thing in particular—has that reduced offences, that causation from only one measure—when there are many measures. As we have already discussed here, just in the last year or so we have taken many measures in South Australia.

In relation to the question about vigilantism, I am advised that we have asked and the advice we have received is that there is no evidence of vigilantism as a result of the 10 or so years of operation of this very similar three-tiered register in Western Australia.

The Hon. R.A. SIMMS: Is the minister satisfied that there are sufficient safeguards in place in his legislation to prevent vigilante behaviour?

The Hon. K.J. MAHER: Yes, I thank the honourable member for his question. That is exactly why there are prohibitions against further publishing material that a person receives as a result of an application to the scheme. That is exactly directed at deterring vigilantism, which seems to have been very successful in WA, which has similar provisions.

I might just add, too, one other thing that occurs to me from the member's previous question about support for victims: of course, the National Redress Scheme for people who have experienced institutional child sexual abuse has very strong mechanisms of supports for victim survivors of this sort of abuse.

The Hon. R.A. SIMMS: I realise I did not speak at the second reading stage, so I might just use this opportunity to indicate that the Greens will be supporting the bill. Of course, we share the concerns of all honourable members in this place about the need to prevent this kind of offending in our state, so we will be supporting the bill before us.

The Hon. C. BONAROS: Just finally, and I touched on this during my second reading contribution, but I really want the Attorney to confirm again for the record, particularly as these laws relate to adolescents and young people and would capture things like sexting, that there is this discretion that absolutely lies with the police commissioner in terms of the disclosure of that material if it were not to serve any useful benefit, particularly given the age of the person it may relate to?

The Hon. K.J. MAHER: I thank the honourable for her question. My advice is that offenders under 18 are excluded from the operation of this scheme, but for the tier 2 offending there is that discretion not to disclose. There are a range of circumstances, but in particular where disclosure may tend to identify the victim in a case is particularly what that is aimed at.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (SECTION 20A) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:20): I rise to indicate the opposition's support of the Criminal Law Consolidation (Section 20A) Amendment Bill 2024, a significant step forward in strengthening our legal framework to combat domestic violence, specifically addressing the heinous acts of choking, suffocation and strangulation in intimate settings.

On 29 August 2024, the Attorney-General, the Hon. Kyam Maher, introduced this bill into the Legislative Council. This legislation seeks to amend the Criminal Law Consolidation Act 1935 to bring more clarity and robustness to our current laws on choking, suffocation or strangulation within relationships. This is not merely a matter of legal terminology, it is about addressing a pervasive and dangerous form of violence that tragically affects too many people in our community.

Domestic violence is a blight on our society. It transcends age, gender, socio-economic status and race. For too long, the act of choking, suffocating or strangling has been insufficiently addressed by our legal system. Victims are often left vulnerable, and perpetrators escape with lesser consequences due to the complexities and limitations of existing laws. The bill before us aims to close those gaps. It introduces a two-tier offence system for choking and strangulation, allowing greater flexibility for prosecutors whilst also ensuring harsher penalties for those who commit the most severe forms of this abuse.

Clause 1(1) of the bill introduces a new offence where a person chokes, suffocates or strangles another person rendering them unconscious without their consent. This new offence carries a maximum penalty of 10 years' imprisonment, reflecting the gravity of the act and the significant harm inflicted on victims.

Additionally, clause 1(2) of the bill substitutes the existing offence under section 20A(1), maintaining a maximum penalty of seven years but, crucially, this clause removes the need to prove serious harm. This change acknowledges that the very act of choking or strangling, even without serious physical injury, is an inherently violent and traumatic act that must be met with strong legal consequences.

The bill goes further by clarifying the definitions of choking, strangling and suffocation. Clause 1(3) provides much-needed clarity, defining choking and strangulation as the application of pressure to the neck to the extent that it affects the flow of blood or breath. Suffocation is simply clarified to include obstructing or interfering with a person's system. These definitions ensure that there is no ambiguity in interpreting these offences, and that our courts can prosecute perpetrators effectively.

The Law Society of South Australia has raised concerns in their submission, arguing that these revisions might overcomplicate the offence and could lead to further prosecutorial challenges. Whilst we respect these views, we must balance them against the urgent need to address the prevalence of strangulation and choking as tactics of control in domestic violence situations. It is important to note that these behaviours are often precursors to more severe acts of violence and, as such, they demand a serious response from our justice system.

The bill takes a measured approach, providing the necessary flexibility for juries and judges whilst maintaining safeguards to ensure just outcomes. The introduction of clause 1(5), which allows juries to return a guilty verdict for a lesser offence if the higher charge cannot be proven, ensures that offenders do not escape accountability. This provision will help reduce acquittals in cases where the evidence might not meet the stringent requirements for the more severe offences.

We must always remember that this bill is not just about the laws and penalties but about protecting the most vulnerable amongst us. Choking and strangulation are often used as methods of control and intimidation in abusive relationships. Victims live in fear knowing that their abusers hold the power to end their lives with a single act. This bill sends a clear message to those perpetrators: your actions will not go unpunished.

We must also remember that this is not just a matter of punishment: it is about intervention. This bill gives law enforcement and the courts the tools to intervene before it is too late. We know that those who commit acts of strangulation are far more likely to go on to commit even more serious and often deadly violence. Introducing more onerous penalties and clearer definitions empowers our justice system to act swiftly and decisively.

The Law Society has pointed out that some definitions' complexities may result in further evidentiary challenges, however the very nature of domestic violence offences often presents these complexities. This does not mean we shy away from providing the legal structures necessary to hold offenders accountable. Instead, it means we continue to refine and improve our laws so that they work effectively in practice and not just in theory.

This bill is a reflection of the collective wisdom of legal experts, advocates for domestic violence victims and those with firsthand experience of the devastating impacts of this form of abuse. We must ensure that our justice system does not fail those most at risk. While we focus on the legal improvements this bill brings, we cannot ignore the broader societal implications of this legislation.

Domestic violence disproportionately impacts certain communities. Aboriginal people, particularly Aboriginal women, are over-represented as victims of family violence and are also more likely to be remanded for extended periods due to the presumption against bail. This bill acknowledges these impacts and seeks balance, strengthening the law and ensuring equitable justice. It is imperative that we work towards a legal framework that is not only tough on perpetrators but also fair and just for all individuals, including those from marginalised and vulnerable communities.

By supporting the Criminal Law Consolidation (Section 20A) Amendment Bill 2024, we are taking a stand against domestic violence in all of its forms. We are strengthening the law to protect victims, hold perpetrators accountable and send a clear message that choking, strangulation and suffocation will not be tolerated. This bill is not just a legislative change but a statement of our values as a society. We stand with the victims, we stand against violence and we will not rest until every person in our community can live free from fear in their own home.

The Hon. R.A. SIMMS (16:27): I rise to speak in favour of the criminal law consolidation amendment bill. The Greens believe that all people have a right to live free from harassment, fear, violence and abuse. Prevention of and protection from gender-based violence should be a core priority for any society. This bill deals with the issue of strangulation, suffocation and choking. It comes after a review into the effectiveness of the offence of strangulation in the Criminal Law Consolidation Act.

Strangulation, choking or suffocation are often present in domestic violence situations, and it is acknowledged that they can be a precursor to homicide. Current laws rely on case law where it must be proved that there is a restriction on breath. I understand that submissions from the Law Society on this bill note that there have been difficulties prosecuting strangulation offences under the current provisions. This bill takes on current health advice that there is also a danger where blood flow to the brain is restricted.

We know that women experience all forms of family violence, intimate partner violence and sexual violence at a much higher rate than men. While these reforms are beneficial to create an offence for such forms of domestic violence, the Greens want to see increased funding for programs related to the prevention of intimate partner violence. We need to stop these acts before they occur, not just deal with the offences afterwards. It is really important that there is public education around these sorts of behaviours and work done to try to effect cultural change within our communities.

The Greens are supportive of this bill. We do welcome the action that the government is taking in relation to domestic violence, but we also call on the government to go further in terms of really addressing the root causes of this kind of criminality within our behaviour, stamping out in particular misogyny and gendered violence.

The Hon. S.L. GAME (16:29): I rise to very briefly put on the record my support for this bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:29): I thank all honourable members for their indications of support on this bill. As a number of honourable members have said, this continues the efforts that we are making as a government, but also that we are collectively making as a parliament to stamp out the scourge of domestic, family and sexual violence.

This, as with a number of other areas that we have considered, are precursors or red flags to much more serious offences such as domestic homicide. Legislation before the other place in relation to coercive control, legislation that has been introduced in relation to stalking laws—all are things that go towards stamping out behaviour before it leads to something much more serious.

If the result is being able to more easily detect, more easily prosecute and more easily convict people of things like strangulation, stalking or coercive control, it is much more likely that it will not escalate to things that sadly, so often in Australia, end with the death of a girl or a woman. I thank honourable members for their indications of support and commend the bill to the chamber and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.L. GAME: I rise to briefly further add my support to the government's bill to introduce new laws in relation to the offence of strangulation in a domestic setting. The continued rise in domestic violence is cause for concern and the potential for these measures to capture perpetrators before the violence escalates is a worthwhile proposal.

The current offences of choking, suffocation or strangulation in a domestic setting will no longer be limited to restriction of breath. This should capture less serious domestic offences with the intention of preventing the possibility of escalation. The bill also creates a new offence for choking and suffocation in a domestic setting where harm is caused, with harm now being defined as that which renders a person unconscious.

This new offence has a maximum penalty of 10 years, and there is a presumption against bail for those charged with this offence. While there is a potential for false allegations to be made, I am confident the courts are in the best position to determine when this occurs. My paramount concern will always be to do what I can in this chamber to prevent the tragic escalation of domestic violence situations, and that is why I have offered my full support for this bill.

Clause passed.

Remaining clauses (2 and 3), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:35): I rise today on behalf of the Liberal Party to speak on the Construction Industry Training Fund (Miscellaneous) Amendment Bill. The Construction Industry Training Board is responsible for managing and expanding the funds raised through the Construction Industry Training Levy to improve the quality of training in industry and coordinate industry-based training. The board does incredibly important work both in serving the construction sector and, particularly, in supporting young people considering a future in the industry.

The board provides access to subsidised training for apprentices, their employers and workers in the industry; promotes and supports careers in construction; advises the state government on industry training; supports training innovation, research and planning; and attracts our future workforce through vocational training and skills by supporting the Doorways2Construction program.

I would like to take this opportunity to acknowledge the excellent contribution made by the Hon. John Gardner, member for Morialta, in his second reading and committee stage of the bill in the House of Assembly. I would also like to acknowledge the substantial work undertaken by the former Liberal government under the stewardship of the Hon. David Pisoni, the former Minister for Innovation and Skills.

The former Liberal government successfully implemented significant reforms to bring the Construction Industry Training Fund Act in line with equivalent legislation in other states and territories and with legislation governing the appointment of boards in our state education and training

sector. This reform supported training growth across the industry and modernised the process for appointments to the Construction Industry Training Board, ensuring that the fund and the board were operating under an improved regime.

The bill we are dealing with today follows an independent review of the act undertaken in 2022 by PEG Consulting, led by Tahnya Donaghy and Ingrid Haythorpe. The issues paper was released in December 2022, outlining 31 recommendations. In response to the issues paper, 45 submissions from stakeholders were received. I would like to reiterate our thanks to all the stakeholders who have taken the time to assist the opposition in forming our view on this matter.

I note that Minister Boyer indicated that 30 of the 31 recommendations of the review will be implemented and that the remaining recommendation to investigate an alternative, more robust collection mechanism for the levy will be delayed by three years, pending evaluation of the other reforms introduced by this bill. The objectives of this bill include:

- changing the composition of the board;
- mandating the appointment of four employee representatives and four employer representatives, following consultation with key organisations;
- increasing the project value threshold at which the levy is payable from $40,000 to $100,000 through regulations;
- allowing the minister to present the board with the annual statement of the government's priorities;
- establishing a cross-sector planning committee to advise the board on issues that impact the industry as a whole;
- reducing the minister's oversight and approval of payments of board members and committee members;
- enabling the allocation of moneys from the fund for the purposes of workforce attraction and retention activities;
- changing the board's financial and operational reporting from a financial year to a calendar year;
- streamlining reimbursement of expenses incurred by board members;
- formalising the ability of the board to engage staff or services of the Public Service under an arrangement agreed with the relevant minister; and
- mandating the review of the operation of the act following its fifth anniversary.

Consistent with the review's recommendation, the bill does not change the current levy rate, which is 0.25 per cent of a project's value. The opposition heard from stakeholders who felt that the application of the GST to the calculation of the project's value was a tax on a tax. Accordingly, the bill removes GST from the calculation, resulting in a reduction in the amount of levy payable for all project owners.

Under the current act, the levy is not payable on certain projects. Exemptions and exclusions are contained in the act, including on main or core turbines or generators to be installed at power stations involving the generation of electricity for the state's power systems and works associated with any operation under the Petroleum and Geothermal Energy Act, the Petroleum (Submerged Lands) Act, the Mining Act and the Opal Mining Act.

The review considered exemptions in the act and whether they remain relevant and appropriate. It suggested that exemptions for power generation and works performed by self-employed people in industries outside building construction do not meet the test of relevance or appropriateness and should be removed. We understand that government has accepted this approach and will proceed with these reforms. The review also recommended exemption for mining and petroleum works to be reviewed, and we understand the government has decided not to proceed with that course of action at this stage.

Many of the reforms in the bill are positive and can be seen as a natural evolution from the work done in 2018 under the former Liberal government. The Liberal Party heard from many stakeholders who were supportive of a number of pieces of reform in this bill, such as increasing the threshold at which a levy is payable from $40,000 to $100,000 through regulations, and establishing a cross-sector planning committee to advise the board on issues that impact the industry as a whole.

I now turn my attention to the composition of the board. Prior to 2018, under the previous legislation the board appointment process was among the most prescriptive in the nation and had not been amended since the act's inception. Reforms introduced in 2019 enable board members to be appointed based on their merit and experience in the sector and not locking in the appointment of unionists, ensuring a board that is better equipped to serve the industry workforce, skills and development needs.

Changes to the legislation in 2019 also included the presiding member being entitled to vote, including having a casting vote in board proceedings, the board comprising up to eight industry representatives nominated by the minister following a public expression of interest process, as well as two independent members. Removal of the veto voting provisions enable decisions of the board to reflect a majority position, not the majority position of a prescribed sectional interest.

Currently, all appointments to the board are made by the Governor on the nomination of the responsible minister and comprise persons who have the knowledge, skills and experience to enable the board to carry out its functions effectively. With this bill, the government is seeking to change the composition of the board to comprise four members who represent interests of the employers and four members who represent the interests of employees.

The bill requires the minister to consult with prescribed employer and employee associations that identify nominees in this category. An additional four members will be independent of the industry and selected through an expression of interest process. Deputy members can continue to be appointed to the board as required.

The opposition does not believe that this clause, changing the composition of the board, adds value to the bill. It does not assist in ensuring that there is good governance for the Construction Industry Training Fund. We will, therefore, oppose this clause. I foreshadow that I will move an amendment later to remove and oppose the clause. However, if that amendment is not supported, we will also have a second amendment to highlight the particularly damaging effect the CFMEU has had on the sector and remove any possibility of a CFMEU representative on the board. I, therefore, also foreshadow that I will move my amendment later to also make sure the clause of not having a CFMEU representative on the board will be considered.

There has been much discussion and rhetoric in this place about the CFMEU, and the government has stated that it does not support the way that John Setka and those sorts of operatives in the CFMEU do business. The government instigated a review looking into any links to organised crime. We are asking the government to back up this rhetoric with support of our amendment. The government introduced an amendment which only prevents a CFMEU representative on the board while that union is in administration. In the opinion of the opposition this does not go far enough.

The funds expended by the Construction Industry Training Fund, soon to be more than $30 million of industry funds, needs to be applied for the best purposes of the industry by funding quality training initiatives that attract and develop a highly skilled workforce for our construction sector. We have no confidence in the CFMEU in its current composition and we believe that preventing any of their employees or officers associated with that organisation from being appointed to the board will improve its governance.

As I have outlined, most of the measures in this bill were broadly supported by stakeholders but some of them did object to the changes to the composition of the board. The Liberal Party has listened to stakeholders and we do not believe that expanding, particularly sectional interests, under these changes is in the interests of the South Australian people. The Construction Industry Training Board does incredibly important work, providing vital programs that service and support the industry.

I also note that the Hon. Connie Bonaros has a number of amendments to introduce and the Liberal Party will be considering those amendments in line with our own amendments as well. With those remarks, I commend the board and I commend the bill, with the exception of our amendments.

The Hon. C. BONAROS (16:46): I rise to speak on the Construction Industry Training Fund (Miscellaneous) Amendment Bill 2024. The bill, as we have heard, implements all but one of the recommendations from the three-year review of the 2019 amendments to the Construction Industry Training Fund Act 1993. I do note, given the lapse of time that had existed between that particular review and a review of the act as a whole, the decision was made to do a review in its entirety.

In terms of the recommendations themselves, what we know is that the government has chosen to implement 30 of the 31 recommendations. My understanding is that that one outstanding recommendation applies to mining site exemptions and it was not deemed appropriate in the circumstances, but overwhelmingly I think it is fair to say that this piece of legislation now has been the subject of quite extensive consultation and review. There were about 45 submissions, I think, from stakeholders in relation to the first round of review, then there was an early draft with key government and non-government stakeholders to identify possible financial impacts and implementation issues, and that resulted in further changes which we are considering today.

The amendments overall, though, do seem to aim to ensure the continued effectiveness of the fund and its board in line with modern industry requirements and standards. Of course, one of the key changes, and if we can cut to the chase in relation to the positions of members in this place, does come down to the composition of the board. The board is to be comprised of 12 members, four representing employers, four representing employees, and four who will be independent of the industry, and these independent members will bring a variety of skill sets and perspectives to the table helping the board function in a more balanced and innovative way.

This change reflects not just the need for broader representation and diverse input in key decision-making processes for the industry but also the recommendations of that overarching review that I have referred to. I, too, note that the opposition has filed those two alternative amendments in response to the composition of the board and I will speak to that during the committee stage in more detail.

I think, despite what happened in 2019, the proposal before us strikes the right balance between industry expertise and external viewpoints that contribute to the development and training initiatives necessary for our construction sector. Just referring to the comments made by the Hon. Jing Lee, it is worth noting that it may very well be that in principle the changes made in 2019 may have not been problematic but of course with changes of government we can see that the make-up changes considerably and the balance between employer and employee representation changes significantly, and that is just based on politics.

There does not have to be necessarily anything wrong with the clauses that were inserted in 2019 but, rather, how a new government or a government chooses to fill those vacancies and the impact that has in terms of ensuring the effectiveness of the scheme. That certainly was the subject of discussion, as I understand it, as part of that review process. It is for that reason that I have said that I think this approach does strike that right balance.

There is of course the aspect that has raised, again, concern, particularly on the part of the opposition, in relation to the explicit exclusion of any employee or officer of the CFMEU while that union is under administration, and I will speak to that further again. That provision is, in my view, a kneejerk reaction to the recent publicity and, with respect, it has been milked to death in this place.

What I would note from the contribution that has just been made is that, yes, there has been a lot of focus and attention and discussion about the CFMEU and John Setka but much less discussion, particularly in this place, about concerns raised about other organisations or individuals who work for other organisations. I suspect that is because it does not suit the political agenda of those who are raising those issues.

But you cannot pick and choose—that is the bottom line. And you should not be picking and choosing when it comes to legislation—that is also the bottom line. It is easy pickings right now with the CFMEU and the opposition and other members in this place know only too well that concerns

have not been limited to just the CFMEU. In relation to the specific issues of corruption: it takes two to tango—we know that—and so this cannot be an issue that is isolated just to a union.

We also know that the issues that have been highlighted in the other jurisdictions have not been found here in South Australia. So I do not say that lightly when I say it has been easy pickings—it has been—but in the absence of any consideration of the fact that there has to be two parties to any of the sort of conduct that the opposition has referred to, it cannot just exist amongst a union. They cannot do it amongst themselves alone and there are peak bodies and organisations in this sector and employers in this sector as well, and any sort of review that takes place in this place, in my view, should have been, and my position remains, systemic across the industry.

I make that point specifically in relation to the points the opposition continues to raise in this place on the issue of the CFMEU. If the principle is that organisations in administration should not have a seat at the table then that should apply equally across the board to all organisations. It is bad lawmaking. You are picking out one union today but there is absolutely nothing to say that it could not apply equally to another union or another peak registered organisation tomorrow. What do we do then? We come back here and we change the law again to include another reference to another named organisation in the legislation? It is nonsensical and it is a bad way of making law. That is the bottom line.

We cannot and should not create a double standard where one is singled out for exclusion while others may continue to participate, regardless of their governance or financial stability, regardless of any investigations that may be taking place into them and regardless of questions in relation to the credibility of others that have been raised that may at some point result in them being placed under administration as well. The point is, if it is going to apply to one, it should apply to everybody. Every registered organisation should be subject to the same rules.

For the member who is looking at me curiously, I make this point: why is it that an employer or an officer of any organisation under administration be allowed to sit on a board that is making critical decisions about the future of the construction industry if they find themselves in the precise same situation as what the CFMEU finds itself in today? It does not make any sense at all.

I will get to this in a little while, but I have also sought to clarify in my amendments that any exclusion would only apply for the specific organisation or branch or division under administration. That is something that was perhaps missed in the rush to appear to be coming down strong on the CFMEU more broadly. Again, that is something that I think was a kneejerk reaction to the noises that were being made in this place.

I would have thought, if at any point you were going to have them sit on a board when you are under administration and all eyes are upon you, I can see the irony of all eyes being upon you and you all of a sudden not being worthy to sit in one of those positions. However, in the event that a South Australian branch or division was not under administration, then the exclusion from the board would not apply under what I am proposing shortly.

While I support the majority of this bill and welcome the improvements to the board's composition, its mandates and the very sensible raising of the threshold at which the levy is payable to projects valued at $100,000 or more, the exclusion of organisations should apply to all, not just one. I make that point again because this is, after all, about fairness, consistency and ensuring the best possible governance for an industry that is crucial to our state's economy and growth, and I suggest that is where the focus of this debate should be.

In relation to the changes to the threshold, the information that I gathered from the briefing that I attended was certainly that that would result in changes to the way that levies are paid. I think it is fair to say that DIT is the biggest contributor to the fund but, under the current arrangement that exists—again, going to the recommendations—it has been difficult to follow the money, primarily because of the provisions that result in payments in stages.

The bill's proposal, I think, in relation to the three changes that are interrelated in this respect, namely redefining the project donor to make clear whoever it is that benefits from the project, raising the threshold and requiring those up-front payments, work hand in hand and meet the objectives of the recommendations of the review. With those words, I indicate my in principle support for this bill,

subject to those amendments, and I look forward to discussing them further when we get to the committee stage debate.

The Hon. S.L. GAME (16:58): I rise briefly to offer my in principle support for the Construction Industry Training Fund (Miscellaneous) Amendment Bill, noting that there are many amendments under consideration. I extend my thanks to the government for the briefing on the bill, which was useful in outlining the structure and purpose of the fund and its significant role in the construction industry. Most of these measures are uncontroversial and designed to improve the flow of moneys into the industry.

The construction training fund is a statutory authority for the construction workforce with a duty to contribute to a safe, skilled and sustainable workforce. The fund collects a training levy on building and construction projects and, under current legislation, this levy is payable on projects greater than $40,000. This bill seeks to increase that amount to $100,000, which means that smaller, mainly residential projects would be exempt from the levy, which should reduce the cost and red tape for these projects, a positive outcome for customers renovating their homes.

Most of the measures proposed arise from recommendations made as part of an independent review. One of the key findings of this review was the need to change the model for allocating moneys. Previously this had been based on the level of contribution from a particular sector within the industry. That has now been replaced with a funding model based on industry intelligence and best evidence, which should provide greater flexibility to meet the specific funding needs of large-scale projects. It would be useful to have further information about how these moneys are being used to support apprentices and employers to improve the employment outcomes and attract more workers to the industry.

One of the areas of contention was the composition of the board, which ideally should consist of a range of representatives from both employers and workers. The proposed composition has equal numbers from both sides, with an additional four members independent of the industry. One concern is that these members have the necessary expertise and skill to continue to grow the quality and quantity of our construction workers and that hopefully the board can begin to address why an increasing number of trainees and apprentices never go on to complete their qualification.

This bill should ensure that the important work of the industry training fund will continue to support and uphold the construction workforce into the future.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:00): I want to thank all members for their contributions. I am happy to indicate that when it comes to the committee stage it is the government's intention to support the amendment put forward by the Hon. Connie Bonaros and oppose the amendments put forward by the opposition.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

Clause 6.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 5, lines 1 to 5 [clause 6(1), inserted subsection (1aaa)]—Delete subsection (1aaa) and substitute:

(1aaa) An employee or officer of an organisation, or of a branch or division of an organisation, must not be appointed as a member, or as a deputy of a member, of the Board while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State.

The amendment effectively does what I have just spoken to in my second reading contribution; that is, alter the government's position in the bill as it stands by not naming any particular registered

organisation and instead giving that broadbrush application to any employee or officer of an organisation or of a branch or division of an organisation that is appointed—or deputies—while that organisation, branch or division is under administration pursuant to the Fair Work (Registered Organisations) Act of the commonwealth in respect of that state.

For the benefit of those members who have not followed the debate in the other place, the opposition moved amendments to the composition of the board when it comes to, effectively, union representation and, in the alternative, preventing the CFMEU specifically from holding a position on the board. The government was successful in its alternative amendment, which effectively limited the inability to appoint the CFMEU members, but only for the length that the union is in administration, as per the terms of the federal legislation under which they have been placed under administration.

The amendment that I am moving seeks to remove any reference to any specific union, and instead apply that limitation to any or all organisations, employees or officers or deputies while that organisation—whoever it may be—is under administration pursuant to the Fair Work (Registered Organisations) Act in respect of the operation of the state.

As I said in my second reading, it applies specifically to the division in question. It might be, like I said, the CFMEU today, but that does not mean it will not be another union or another employer organisation or anyone else in the future. Frankly, I do not care if it is John Setka, John Adley, Will Frogley, the HIA, the concreters association. I do not care who the individual is; I just want to make sure that there is equal application in law to all of them, so we know that everyone is being governed by the same laws.

That makes sense to me, and I think that is a good way of making laws. We are not politicising the issue, and having to come back here, indeed, if next month or in six months' time we find another organisation in the same position as the CFMEU finds itself today. Again, to be clear, we are talking also about limiting it to that division of the organisation that is indeed under administration, because it may very well be that there are other divisions of that organisation that are not under administration, as is the case here. That makes sense to me. I think that is a sensible way to approach this issue.

I also think it is the most appropriate way of approaching this issue, given that we simply do not know what will happen in this industry tomorrow or in six months' time or in nine months' time or in 12 months' time, and we should not be coming back here every time this issue arises amending legislation the way that we are seeking to do today because we want to target one particular union division that is under administration at the moment. That is bad lawmaking, and that is the premise of this amendment.

The Hon. J.S. LEE: I move:

Amendment No 1 [Lee–2]—

Page 5, lines 1 to 5 [clause 6(1), inserted subsection (1aaa)]—Delete subsection (1aaa) and substitute:

(1aaa) However, a person who is an employee or officer of the Construction, Forestry and Maritime Employees Union must not be appointed as a member or deputy of a member of the Board.

For the record, we have been contacted by stakeholders who have really serious concerns about the CFMEU and the dominance and the harassment and other unacceptable actions by CFMEU; hence why the Liberal Party in the first instance has listened to stakeholders and want to actually introduce this particular amendment to address and highlight the particular damaging effects that the CFMEU has on the construction sector, and remove any possibilities of a CFMEU representative on the board. That is the intent of this particular amendment.

However, having listened to the argument and presentation of the amendment by the Hon. Connie Bonaros, we feel that her amendment is very reasonable because it is not targeting one single union or one single organisation to potentially have a negative impact on the industry. I still insist on moving the amendment. We will not divide on it, but I would still like to put the amendment for the record.

I also want to indicate that as the government minister has mentioned, I have indicated that the amendment moved by the Hon. Connie Bonaros is sensible. It does have the broader coverage of organisations that may have terrible practices, and this provision will be able to cover those

organisations that may be under administration, and not give them the rights, but protect the governance and integrity of the board. With those comments, I will leave it up to the Chair to call.

The Hon. K.J. MAHER: I have a couple of quick questions for the opposition member who is still insisting on moving the amendment that she has put forward. Can I ask the Hon. Jing Lee: is the intention of the amendment that she has put forward that no-one from the CFMEU can ever be a member of this board?

The Hon. J.S. LEE: From the advice that we have from stakeholders, they feel that the draconian practices of the CFMEU can have a negative impact on the construction industry. So for better governance, it is our view, and that of the stakeholders who have been guiding us in this process, to not have the CFMEU on the board.

The Hon. K.J. MAHER: Can I ask the honourable member: is it the opposition's position that they do not wish to see the CFMEU returned to South Australian control? Because if this amendment is successful, they will never have that opportunity; there is no incentive. So is it the opposition's position that South Australians should never have control of the running of the CFMEU again?

The Hon. J.S. LEE: In the first instance, I think we have already spoken a lot in this chamber as well as in the other place about the impact of the CFMEU on the industry. We are not having a blanket rule-out of not allowing them to be in South Australia, but the fact of the matter is that they are problematic at this current point in time. The previous bill that was handled in the House of Assembly at the time did not take into consideration these sorts of safeguards. That was why we introduced it in the first place. We brought it up in this particular chamber just to reiterate that the opposition believes there ought to be better safeguards against an organisation like the CFMEU.

The Hon. K.J. MAHER: I might put it a bit more simply: does the opposition wish to see the CFMEU run by South Australians?

The Hon. J.S. LEE: It is not for me to comment today because I believe the fact that we are moving to supporting the Hon. Connie Bonaros's amendment today—

The Hon. K.J. Maher: You are still putting yours, so that is your position.

The CHAIR: Order! Let the Hon. Ms Lee finish.

The Hon. J.S. LEE: We put our amendment in for the record that we feel strongly that an organisation like the CFMEU is not the best representative for the Construction Industry Training Board and not acting in the interests of South Australia.

The Hon. K.J. MAHER: Two more very quick questions. I know that when the Liberal Party room meet, there is the ability for members of the Liberal Party room to give notice that they do not intend to support a particular position. Are the amendments that the Hon. Jing Lee is putting forward the universal view of the whole of the Liberal Party room?

The Hon. J.S. LEE: First of all, we do not comment about what happens in our joint party room. It is the advice from the shadow minister that I put this amendment through today, but having said that, because the amendment put by the Hon. Connie Bonaros was not put in the lower house, in view of that, we are now supporting the Hon. Connie Bonaros's amendment rather than putting this to a vote. I just wanted this particular amendment on the record to show how serious it is, how seriously we feel and the stakeholders feel about the CFMEU's negative impact on South Australia.

The Hon. K.J. MAHER: I genuinely do not understand what is happening with the Legislative Council at the moment. Often it is a mystery to observe and occasionally I do not quite have a complete understanding of what is going on, but to have someone putting amendments that they—if you put an amendment, that is your view and that is what you want to happen.

I am going to ask a question—and the Hon. Connie Bonaros referred to it earlier—about the fact that the amendment that is the Liberal Party's position that they are putting forward in this chamber today would seek to ban the Construction, Forestry and Maritime Employees Union, any member or any employee or officer of that union, from being on this board—

An honourable member interjecting:

The Hon. K.J. MAHER: My question is: how does the honourable member and how does the Liberal Party justify, for instance, banning completely members of the forestry division from taking a seat on the board? I have raised this before. I will be very interested, because I am sure it will get media in the South-East if this amendment is actually put, that the Liberal Party position—and no-one in the Liberal Party has come out against it—is to ban the forestry division of the CFMEU from having a seat on the board.

There are thousands of forestry workers in the South-East that the Liberal Party is seeking to disenfranchise by virtue of putting this amendment. I am very happy, as I said before, to talk to the media in the South-East, and then the Hon. Ben Hood can go out and defend why his party is seeking to disenfranchise thousands and thousands of forestry members, not just in the South-East but from other parts of South Australia, from having any possibility of being part of the democratic process or representing a board.

I am really keen to see if the Hon. Dennis Hood can talk the Hon. Jing Lee out of putting the amendment forward, because if this amendment is put forward I can absolutely guarantee that we will be campaigning on the fact that they are seeking to disenfranchise thousands of workers in the South-East who are good hardworking people and, I have to say, represented by unionists like their divisional head, Brad Coates, in the South-East. To put an amendment that would seek to disenfranchise him and them I think would be reprehensible, and we will certainly be publicising that.

The Hon. T.A. FRANKS: I share the Attorney-General's confusion about what the Liberal Party position is. We have been told that we cannot know what the deliberations of the Liberal Party either upper house party room or joint party room are. I assume that this amendment came from the joint party room. I note that they are not subject to cabinet-in-confidence in terms of their decision, and generally the idea of parliament is to understand what the positions are of members who vote in this place.

So it would be highly unlikely that it is the policy of the Liberal Party that we are not allowed to know what their joint party room decides, particularly when they put an amendment before this place that is in the name of a Liberal member and that she intends to progress—she has not withdrawn from the debate—but says that she will not be voting for. It is not us who have caused this confusion. I call on the Liberal members of this place to remove the confusion and then we will move on to other organisations that have been put into administration lately or have had talk of it, and I will be having some questions on that as well.

The Hon. J.S. LEE: As I explained earlier, we had major concerns about the CFMEU at the time, before the government moved an amendment in the lower house to actually capture the bit about the CFMEU under administration. That is the bit that ought to be very clear. We feel that if an organisation, any organisation, is under administration, they should not be part of a board. That is really the intent.

If it makes this proposition even more clear—and I have explained this before, I have put it for the record—at the same time, we have relooked at and considered all the amendments proposed by the Hon. Connie Bonaros, and the Liberal Party wish to put on the record that we will be supporting the Hon. Connie Bonaros's amendment because it has a broader coverage of all organisations, all unions, and does not single any out. That is a better, sensible proposition, and we are accepting that proposition. If it would help the chamber, I am happy to withdraw my amendment. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. T.A. FRANKS: I thank the Hon. Connie Bonaros for bringing this amendment before the place, and I clarify the Greens will be supporting the Hon. Connie Bonaros's amendments. I reflect upon the debate so far and the confusion that has been brought to this place by amendments, made on the floor in the other place, that sought to play politics with the CFMEU. I remind the Liberal opposition that it was only just a few short weeks ago that their former leader, the member for Black, actually talked about how, when he was leader, he was considering calling for his state Liberal Party to be put in administration. Indeed, it is not an unusual argument, given the New South Wales Liberal Party's position at the moment.

I wish to draw members' attention to the fact that being put in administration, or indeed having your former leader wish he had have been able to put your party into administration, comes as no surprise to those on the crossbench over here, and that is why we will be supporting the Hon. Connie Bonaros and look forward to more informed and enlightening debates, where the Liberal Party does not bring forward amendments they are not even prepared to support and vote for themselves. I ask them to reflect on just what it means to take the actions of one member or a particular point in time and extrapolate them, on the basis of unstated, unknown stakeholders, and reflect upon an entire organisation, because in fact you may well be holding a mirror up to yourselves when you do that.

The Hon. D.G.E. HOOD: I have bitten my tongue in this, but I think I need to say something here. There is a very significant difference between the Liberal Party in South Australia and the CFMEU, and that is the Liberal Party is not under administration—at all.

The Hon. K.J. Maher: Yet!

The CHAIR: Order!

The Hon. K.J. Maher interjecting:

The Hon. D.G.E. HOOD: That is pure speculation—that is what that is, and the Hon. Mr Maher knows better.

The CHAIR: Ignore the interjections.

The Hon. D.G.E. HOOD: That is pure speculation. There is no suggestion that the party should be under administration.

Members interjecting:

The CHAIR: Order!

The Hon. D.G.E. HOOD: No, there are the musings—

Members interjecting:

The CHAIR: Order! Just sit down, the Hon. Dennis Hood. We will wait until there is some quiet.

The Hon. D.G.E. HOOD: The fact is the Liberal Party is not under administration, has never been under administration, never will be under administration. The CFMEU is under administration. Those are the facts. They are two completely different things. The Liberal Party, frankly, is not mentioned in this bill.

The Hon. R.A. SIMMS: I was not going to ask my question, but I am still intrigued to know, so I might try to work it through. I am just trying to get my head around this whole confusing situation we have confronted. We have heard a lot around consultation the Liberals have engaged in. Who exactly have they consulted with? Who are these stakeholders that have told them to go down this path?

The CHAIR: The Hon. Ms Lee, you can choose to answer that if you wish. Otherwise, I am going to move on and put the amendment in the name of the Hon. Ms Bonaros.

The Hon. C. BONAROS: Given what just transpired, I think it is important to note for the record that the amendments that were actually put by the opposition have absolutely nothing to do with anyone who is under administration at all and everything to do just with the CFMEU, regardless of which division you are talking about. It demonstrates a complete lack of understanding of the current position when it comes to the administration of the CFMEU and which arm of the CFMEU is indeed under administration.

We are talking about the construction industry arm of the CFMEU, which has nothing to do with the other arms of the CFMEU. The Attorney, the Hon. Robert Simms and the Hon. Tammy Franks are 100 per cent right in their assessment of this and that is the reason I moved this amendment in the first place, because this is precisely a demonstration of what terrible, woeful, lawmaking looks like.

The Hon. K.J. MAHER: For the record, the government will support the Hon. Connie Bonaros's amendment. We thank the Hon. Dennis Hood for riding in and saving, to a certain extent, the opposition—it was a valiant effort. Given that the amendments were originally put, I can absolutely assure members once more that we will make sure the forestry workers in Mount Gambier know what the Liberals tried to do, even though the Hon. Dennis Hood did his best to save the Liberals from themselves once again today.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 5, after line 43—After subclause (5) insert:

(6) Section 5(5)—after paragraph (e) insert:

(ea) is, or becomes, an employee or officer of an organisation, or of a branch or division of an organisation, while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State; or

(7) Section 5—after subsection (5) insert:

(5a) The appointment of a person as a deputy of a member is, by force of this subsection, revoked if the person is, or becomes, an employee or officer of an organisation, or of a branch or division of an organisation, while that organisation, branch or division (as the case requires) is under administration pursuant to the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth in respect of its operations in the State.

For the purposes of today's debate, it might be worth explaining what the amendment does. Section 5 of the current act provides for circumstances that would render the office of a member of the board to become vacant. That includes things like when they die, when they become bankrupt, when they are found guilty of an indictable offence, when they resign, and so on and so forth.

The amendment I am proposing does two things: first, it extends that list to include a member who is or becomes an employee or officer of an organisation or of a branch or division of an organisation while that organisation, branch or division, as the case requires, is under administration pursuant to the Fair Work (Registered Organisations) Act.

There is then a further provision, which revokes the appointment of a person as a deputy of a member if that person is or becomes an employee or officer of an organisation or division—the same words are used—whilst it is under administration. I do not think I need to explain that any further. I hope we are all clear about what that means. I think it speaks for itself in terms of its application and in keeping with what was moved in the first amendment.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 29), schedule and title passed.

Bill reported with amendments.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PORTABLE LONG SERVICE LEAVE BILL

Final Stages

Consideration in committee of message No. 172 from the House of Assembly.

(Continued from 24 September 2024.)

The Hon. K.J. MAHER: I move:

That the House of Assembly's amendments be agreed to.

For members' information, this was the Portable Long Service Leave Bill that originated in this chamber, that had some appropriation measures in terms of the levy that were in erased type as money clauses. When they went down to the lower house, the lower house inserted those as amendments, as is the procedure, and it has come back here, so in effect it has come back in exactly the same shape but because they were money clauses, we need to accept them as amendments.

Motion carried.

AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:31): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I rise today to introduce the *Automated External Defibrillators (Public Access) (Miscellaneous) Amendment Bill 2024*.

In 2022, our Government was proud to support the *Automated External Defibrillators (Public Access) Bill 2022* which was historic legislation brought to this Parliament by the Hon Frank Pangallo.

This legislation will make life-saving defibrillators mandatory in public buildings such as schools, universities, libraries, sporting facilities, local council offices, theatres and swimming pools to help save the lives of South Australians from cardiac arrest.

This Australian-first legislation is an important measure to protect our community, ensuring access to crucial heart-starting equipment when it is needed most.

The legislation follows the lead of many organisations and businesses already installing Automated External Defibrillators (AEDs), providing access for customers and team members who may suffer a sudden cardiac arrest or be required to step in and assist.

The South Australian Government has already taken positive steps to install AEDs in some of the places this legislation mandates–including CFS, MFS and SES vehicles.

We have also commenced a new grant program helping community and sporting organisations purchase AEDs with the first round of the South Australian AED Grants Program–opening in May this year—offering $1,000 grants to not-for-profit community, cultural or sporting organisations to assist with the cost of purchasing a defibrillator for their building or facility.

The AED Grants Program is to assist eligible community and sporting organisations to have AEDs installed by 1 January 2026, in line with requirements of the legislation.

The first round of the AED Grants Program provided over 200 grants to over 160 organisations right across South Australia.

There is substantial evidence that widespread access to AEDs can help prevent deaths by cardiac arrest.

According to the Heart Foundation, time is everything in a cardiac arrest–every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent, and if bystanders haven't been trained in CPR, that means that time is wasted. Public access to AEDs will reduce this risk.

The South Australian Government are currently in the process of implementing this legislation which will commence from 1 January 2025 for Government owned buildings and 1 January 2026 for non-Government.

This Bill before Parliament is a culmination of the work of the Hon Frank Pangallo MLC and the Government on this important initiative to increase availability AEDs within the South Australian community.

The Government has considered the views of a wide range of key stakeholders to ensure the legislative regulatory framework for installation of AEDs can be operationalised in the most effective manner.

The Bill proposes to amend the *Automated External Defibrillators (Public Access) Act 2022* (the Act) for the purpose of removing ambiguity around the applicability, scope, and requirements of the Act, which will enable consistent interpretation and application.

The proposed amendments have ensured the intent of the Act is strengthened by requiring the installation of AEDs in buildings or facilities which are publicly accessible, noting the intent of the Act is to increase the availability of AEDs in public areas to be used by the community in the event of a cardiac arrest.

Furthermore, the amendments ensure there is a clear distinction between AEDs required to be installed by building owners to be used by members of the public in accordance with the Act, as opposed to AEDs which are installed by an entity for a work health and safety purpose, which sit outside the scope of the Act.

The Bill has been supported by stakeholders across government and non-government entities, mainly due to the added definitions which clarify the scope and legal obligations under the Act.

Key provisions in the Bill include:

- Refined definition clauses to clarify the applicability of the Act by defining key words.
- Including a definition for 'owner' in the Act will ensure a clear distinction is drawn between the obligations imposed by the Act on a building owner versus a tenant.
- Additionally, the proposed definitions to clarify what is regarded as a building or facility for the purposes of the Act will see smaller businesses being carved out from the requirement to comply with the Act, noting the Act was not intended to capture smaller businesses and cafés, with the aim to ease pressure off those businesses.
- A new provision for the exclusion of certain buildings and facilities from the requirements of the Act for reasons including:
- Instances where there is a superior response mechanism in place and the presence of trained medical staff.
- Instances in which the presence of an AED present safety concerns.
- Instances where building or facility is entirely not accessible to the public and therefore the mandated presence of AEDs would not align with the intent of the Act.
- The requirement to install AEDs within the floor area that is publicly accessible.
- Removal of the requirement to annually test an AED in accordance with advice from the Department's biomedical experts and advice received from consultation confirmed that AEDs should be maintained in accordance with manufacturer instructions to ensure optimal device performance in the event of an emergency.
- Removal of the requirement for the Minister to establish a training scheme under the Act, noting first aid training is governed by the *Work Health and Safety Act 2021* and the *Education and Care Services National Law*.
- A new provision is proposed which enables the making of exemptions on a case-by-case basis to the requirements of the Act..
- A new provision is proposed which enables the Minister to confer their functions under the Act to a specified body or person.
- The current Act contains limited and narrow regulation-making powers, which do not enable standardisation or operationalisation of the Act's requirements. The Bill proposes to allow broader regulation making powers to support effective operationalisation of the Act.
- A new provision is proposed to give power to the Minister to appoint a suitable person to be an authorised officer. This provision aims to strengthen compliance with the Act, as authorised officers appointed under the Act will have powers to confirm that installation, registration, and maintenance of AEDs by building owners meet the requirements of the Act.
- The Bill proposes a delayed commencement date for prescribed vehicles due to the logistical implications of removing fleet to enable installation of AEDs on public buses, noting almost all fleet are in use.

It is this Government's view that the Bill before the Parliament strikes a balance between upholding the intent of the Act whilst also ensuring it can be operationalised in the most effective manner.

I would like to thank the many people who have provided feedback to the public consultation on this Bill earlier this year.

I sincerely hope the passage of this Bill will be supported to support the implementation of this important legislation and to improve access to crucial heart-starting equipment when it is needed most.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Automated External Defibrillators (Public Access) Act 2022*

3—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act as follows:

- it sets out definitions used in the measure and the principal Act;
- it amends the definition of public building or facility to exclude additional buildings and facilities that are not relevant buildings (being buildings with a floor area of 600 m² or more or that are prescribed by regulation) or relevant facilities (as defined in the measure);
- it provides an explanation of when land will be taken to be used for commercial purposes;
- it allows the regulations to provide for methods of calculating floor area and to exclude certain areas of buildings or facilities for the purposes of calculating floor area;
- it provides that if 2 or more buildings constitute a facility, or relevant facility, they will be treated as a facility, or relevant facility, rather than as buildings.

4—Amendment of section 4—Meaning of designated building or facility

This clause amends the list of buildings and facilities that are designated buildings or facilities for the purposes of the principal Act and allows the regulations to exclude a building or facility, or class of buildings or facilities, from the ambit of the definition.

5—Amendment of section 5—Meaning of prescribed building

This clause makes a consequential change to the list of buildings that are prescribed buildings for the purposes of the principal Act as a result of the new definition of *relevant building* and allows the regulations to exclude a building, or class of buildings, from the ambit of the definition of prescribed building.

6—Insertion of section 6A

This clause inserts section 6A into the principal Act as follows:

6A—Application of Act—certain buildings and facilities

This section provides that the principal Act does not apply to certain buildings and facilities.

7—Amendment of section 7—Installation of Automated External Defibrillators—buildings and facilities

This clause amends section 7 of the principal Act as follows:

- it requires that only publicly accessible floor area be included in the calculation of floor area required by the section when determining how many Automated External Defibrillators are required to be installed in a relevant designated building or facility or prescribed building;
- it sets out the meaning of publicly accessible floor area;
- it allows the regulations to prescribe a maximum number of Automated External Defibrillators required to be installed in a relevant designated building or facility or prescribed building;
- it inserts an expiation fee of $5,000 for the offence of contravening or failing to comply with a requirement under the section;
- it amends the definition of *relevant designated building or facility or prescribed building* by restricting the relevant floor area to that which is publicly accessible and allowing the regulations to exclude a building or facility, or class of buildings or facilities, from the ambit of the definition.

8—Amendment of section 8—Installation of Automated External Defibrillators—vehicles

This clause amends section 8 of the principal Act as follows:

- it clarifies that an Automated External Defibrillator required to be installed in a vehicle used in the provision of emergency services by an emergency services organisation only needs to be for use by, or on behalf of, the organisation, rather than for public use;
- it changes the person responsible for ensuring that an Automated External Defibrillator is installed in a prescribed vehicle (being a train, tram, public bus or any other vehicle prescribed by the regulations) to a relevant authority, rather than the owner of the vehicle;
- it inserts an expiation fee of $5,000 for the offence of a relevant authority contravening or failing to comply with ensuring that an Automated External Defibrillator is installed in a prescribed vehicle.

9—Amendment of section 9—Maintenance and testing

This clause amends section 9 of the principal Act as follows:

- it replaces the requirement for each Automated External Defibrillator to be properly maintained and tested at least once every 12 months with a requirement that each Automated External Defibrillator is maintained in accordance with any instructions of the manufacturer of the Automated External Defibrillator;
- it inserts an expiation fee of $5,000 for the offence of contravening or failing to comply with a requirement under the section;
- it makes a consequential amendment to the definition of designated entity.

10—Amendment of section 10—Signs

This clause amends section 10 of the principal Act to make a consequential amendment and to insert an expiation fee of $500 for the offence of contravening or failing to comply with a requirement under the section.

11—Amendment of section 12—Register

This clause amends section 12 of the principal Act as follows:

- it provides that the register need only relate to Automated External Defibrillators installed in buildings or facilities, not vehicles;
- it provides that the information in the register, rather than the register itself, must be made available on a website and allows the Minister to determine the appropriate format;
- it inserts an expiation fee of $500 for the offence of contravening or failing to comply with a requirement to provide information to the Minister to be included in the register, or to notify the Minister of a change to such information, within the required timeframes;
- it allows the regulations to provide that the section does not apply to an Automated External Defibrillator or a class of Automated External Defibrillators, or that the section applies with modifications prescribed by the regulations.

12—Substitution of section 13

This clause deletes the section in the principal Act relating to a software application and substitutes the section as follows:

13—Software application

This section requires the Minister to ensure that a software application is able to provide registered users with the location of the nearest Automated External Defibrillator that is installed in a building or facility in accordance with the principal Act and that is accessible by the public at the time.

It provides that the software application may restrict the persons who may register as users of the application and may provide for conditions with which registered users are required to comply.

It also allows the regulations to provide that the section does not apply to an Automated External Defibrillator or a class of Automated External Defibrillators, or that the section applies with modifications prescribed by the regulations.

13—Repeal of section 15

This clause deletes section 15 of the principal Act which required the Minister to establish a scheme for the provision of training in the use of Automated External Defibrillators to certain persons.

14—Insertion of Part 3A

This clause inserts Part 3A into the principal Act as follows:

Part 3A—Authorised officers

15A—Appointment of authorised officers

This section allows the Minister to appoint suitable persons to be authorised officers for the purposes of the principal Act.

15B—Identification of authorised officers

This section requires authorised officers to be issued with identity cards and to produce the card for inspection, if requested.

15C—Powers of authorised officers

This section sets out the powers of authorised officers and makes it an offence for a person to hinder or obstruct an authorised officer in the exercise of their powers or to refuse or fail to comply with a requirement made under the section. The maximum penalty for the offence is $10,000.

15—Insertion of sections 16A to 16D

This clause inserts sections 16A to 16D into the principal Act as follows:

16A—Exemptions

This section allows the Minister to exempt a specified building, facility, vehicle or person from the operation of the principal Act or a specified provision or provisions of the principal Act.

16B—Delegation

This section allows a Minister conferred with functions under the principal Act to delegate a function conferred on them to a specified body or person.

16C—False or misleading information

This section makes it an offence for a person to make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the principal Act. The maximum penalty for the offence is $10,000.

16D—Self-incrimination

This section requires a person to provide information or produce a document required under the principal Act regardless of whether it would tend to incriminate the person or make the person liable to a penalty, and provides that the information or document will not be admissible in evidence against the person in proceedings for an offence, other than an offence against the principal Act or any other Act relating to the provision of false or misleading information.

16—Amendment of section 17—Regulations and fee notices

This clause extends the power of the regulations to exempt persons from the application of the principal Act (or a provision of the Act) to vehicles and allows the regulations to prescribe requirements in relation to the placement and accessibility of Automated External Defibrillators and make provision in relation to what constitutes installation of an Automated External Defibrillator or sign for the purposes of the principal Act.

17—Amendment of Schedule 1—Transitional provision

This clause amends the transitional provision so that it operates as follows:

- the principal Act applies to a building or facility owned by the Crown (or an agency or instrumentality of the Crown), and to an emergency services vehicle, from 1 January 2025;
- the principal Act applies to a building or facility owned by a person that is not the Crown (or an agency or instrumentality of the Crown), and to a prescribed vehicle, from 1 January 2026.

Debate adjourned on motion of Hon D.G.E. Hood.

TOBACCO AND E-CIGARETTE PRODUCTS (E-CIGARETTE AND OTHER REFORMS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:31): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I move that this Bill be now read a second time.

I rise today to introduce the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill 2024.*

Tobacco smoking remains the leading preventable cause of disease and death in Australia.

There are around 260,000 current adult smokers in South Australia and about two out of three of those people, if they don't quit, will be killed by their smoking.

We have made significant progress in reducing smoking prevalence in our community. From a time when the majority of people smoked and being exposed to someone else's smoke was a normal part of life, less than nine percent of South Australians now smoke and the community expects places to be smoke-free.

Many South Australians would remember going out only a few decades ago when smoking was allowed in in public places, including cafes, restaurants, pubs and clubs, and even as a non-smoker you would come home smelling like smoke. Now that is just a distant memory thanks to bold and brave legislation enacted right here in this very house.

But yet, the fight against the harms of tobacco continues and it has a huge impact on the health of individuals, families and demands on the health system.

Smoking is estimated to cost our state health system in excess of two billion dollars each year.

In recent years, our attention has also turned to e-cigarettes. E-cigarette use, or vaping, has increased rapidly in South Australia and across the country, especially among children and young people.

Recent research shows the number of 15 to 29-year-olds currently using e-cigarettes in South Australia increased to 15.1% in 2023, from 8.4% in 2022.

Among 15 to 29-year-olds, this is the first time there are more e-cigarette users than there are smokers.

Worryingly, the research showed for those surveyed aged 15 years and over, 6.7% have reported current use of e-cigarettes, compared to 3.6% in 2022.

E-cigarette use is also rising among 30-59-year-olds, up from 3.1% in 2022 to 6.7% in 2023.

Researchers keep learning more about e-cigarettes every month. What we know is that these products contain many chemicals that pose a significant risk to human health, including cancers and cardiovascular diseases.

This Government is not prepared to sit by and watch this public health emergency and the popularity of vaping explode among such a large proportion of our young people and do nothing.

I commend and support the reforms by the Commonwealth Government to address and stamp out vaping nationally. These initiatives include banning the importation of non-prescription e-cigarettes, regulating flavours, colours, and other ingredients, requiring pharmaceutical like packaging, reducing the allowed nicotine concentrations and volumes, banning disposable e-cigarettes, only allowing nicotine containing e-cigarettes to be sold through pharmacies and funding public awareness campaigns and service enhancements to help Australians quit smoking and vaping.

These regulatory changes will balance the need to prevent adolescents and young people from taking up nicotine vaping, while enabling access to nicotine vaping products as medically supervised smoking cessation aids.

The South Australian Government has been an active player in the national vaping reforms as well as taking other strong actions against this serious health problem, including:

- running hard-hitting media advertising campaigns about vaping, across radio, outdoor and digital platforms, including Instagram, TikTok and YouTube;
- supporting schools with an education campaign, resources and staff training aimed at preventing children taking up vaping and helping those who want to quit;
- introducing new vape and smoke free areas that commenced on 1 March 2024—banning vaping and smoking in a variety of public outdoor areas including at our schools and childcare settings, and under 18 sporting events; and
- imposing tougher licence conditions on retailers to reduce the illegal sales of tobacco and vapes.

Last year in 2023, public consultation was undertaken on a range of amendments to the *Tobacco and E-Cigarette Products Act 1997* via the YourSAy engagement platform, with almost 80 percent of respondents in support of expanding tobacco and vaping laws in South Australia.

Following the public consultation, the submissions were reviewed by Dr Chris Reynolds, public health law expert, who recommended some refinements to the Act and its Regulations.

The outcomes of the consultation and Dr Reynolds' recommendations have been incorporated into this bill including:

- Amendment to the objects of the Act to ensure it continues to reflect contemporary directions in tobacco control policy;
- Amendment to the definition of 'residential premises' to remove reference to sleeping or living areas in a prison or place of detention, so that existing smoke-free laws apply to these areas;
- Inclusion of greater criteria about who might be a fit and proper person to hold a Tobacco Merchant's Licence;
- Amendment of the licence provisions for the Minister to impose conditions on a licence to any condition that is consistent with and furthers the objects of the Act;
- Reintroduction of a Wholesale Tobacco Licence;
- Creation of a new offence prohibiting the sale or supply of a tobacco product by a person under 18;
- Banning of the sale of tobacco products by vending machines;
- Amendment to the current smoking ban for a covered public transport area to include any area within 5 metres of the covered area;
- Allowance for 'smoking permitted' signs to be displayed in a specific area of hospitality venues to provide clarification for patrons and allow for appropriate enforcement of smoke-free laws;
- Establishment of a power for an authorised officer to issue a notice to comply with the provisions of the Act;
- Enshrining of controlled purchase operations into the legislation;
- Amendment of the confidentiality clause to allow for information-sharing between SA Health and other agencies and jurisdictions, such as South Australia Police or the Therapeutic Goods Administration, as part of co-ordinated compliance activities; and
- Increases to court powers to restrict, suspend, or cancel a Tobacco Merchant's Licence if a person is found guilty of selling or supplying tobacco or e-cigarette products to children.

In addition to these amendments, this bill also integrates the national vaping reforms passed by the Commonwealth Parliament in June 2024.

Despite the strength of the national vaping reforms, this Bill seeks to go further in strengthening South Australian tobacco and vaping laws and the enforceability of these laws.

Importantly, this Bill introduces its own prohibition on the sale or supply of e-cigarette products, as well as the possession of an e-cigarette products for the purpose of sale.

While this is similar to the bans introduced through the Federal *Therapeutic Goods Act 1989*, having these offences in the South Australian legislation maximise options for enforcement officers in this State, including to ensure that funds from penalties are returned to the South Australian Government where appropriate.

South Australia remains committed to a national enforcement approach and continues to work with law enforcement and all jurisdictions in the development and implementation of the National Vaping Enforcement Framework to stamp out unlawful vapes in the community.

The Bill also introduces new fines that are the toughest of any state or territory. This sends a clear message that the Government is very serious about cracking down on people selling illegal e-cigarettes or tobacco. We can't have penalties that are so low they are considered just a cost of business.

As examples, these new fines include a maximum of $750,000 on the first offence and $1.1 million on second offence for selling tobacco without a merchant licence, and up to $1.5 million for selling a tobacco product to a minor. This compares with the current levels which are between $20,000 and $40,000. This ensures that if an operator chooses to sell tobacco without a licence or sell tobacco to a child, they run the risk of being hit with these very large penalties.

The Bill also removes clauses in the Act relating to the licensing of retailers to sell e-cigarettes, given that the sale of e-cigarettes is no longer lawful under Commonwealth law outside of therapeutic medical settings for the purposes of smoking and vaping cessation or treatment of nicotine addiction.

Along with the increase in e-cigarettes, Australia has also seen an increase in illicit tobacco products. This can involve the sale of counterfeit tobacco or tobacco that is packaged without health warnings or tobacco which has not gone through the correct excise pathways.

Just last year, we implemented new legislation aimed at tackling illicit tobacco sales in South Australia. These amendments to the *Tobacco and E-Cigarette Products Act 1997* were brought to the Parliament by the Hon Connie Bonaros and strongly supported by the Government.

Despite these new laws, some of the toughest in the country, we have still seen illicit tobacco being sold across Australia. Therefore, this Government has committed a further $16 million over the next four years to tackle this growing trade in illicit tobacco and to take action against anyone thinking they can still sell e-cigarette products to our children and young people.

From 1 July 2024, Consumer and Business Services assumed responsibility of the licensing under the *Tobacco and E-Cigarette Products Act 1997* and the enforcement functions related to illegal sales of e-cigarettes and illicit tobacco. They are now responsible for assessing new licence applications, ensuring existing licensees are complying with the law and investigating and prosecuting offenders.

This tougher compliance approach is necessary to tackle the criminal activities that are occurring and is more closely aligned with their current compliance work.

To strengthen the ability for Consumer and Business Services to take action against those selling illicit tobacco, e-cigarettes or other prohibited products, the Bill includes enforcement powers and processes that are consistent with those used by Consumer and Business Services for other State laws it is responsible for.

As part of this, the Government moved amendments in the other place to make adjustments to the Bill, including the addition of 'closure order' powers. The intent is to ensure that, following a successful raid and seizure of products, there is a power to also close the premises for a period of time. This will ensure that the business can't simply restock the illicit products and continue trading.

This Bill also introduces national leading penalties for selling, supplying and commercial possession of illicit tobacco products.

The introduction a wholesale tobacco licence in this Bill aims to ensure all the tobacco wholesalers supplying tobacco into retailers in South Australia have a licence, and fulfil the fit and proper person requirements to be supplying these products.

This opens up opportunities to establish a process for retailers and wholesalers to verify each other's licence status, thereby creating another barrier to selling tobacco illegally.

We have also seen other nicotine products hit the youth market, particularly nicotine pouches. For those members who haven't yet heard of nicotine pouches, they are a small pouch usually containing a synthetic nicotine and other ingredients such as sweeteners or flavours and are designed to be placed between the lip and the gum.

Each pouch can contain the same nicotine as a tobacco cigarette. They have started to become more popular among young people, particularly in the eastern states.

The South Australian Government plans to act fast so that these and other novel products aren't the next big thing, given the risk they pose to young people.

The Bill includes a new ministerial declaration power to enable a prohibition to restrict new and novel products, with a very high penalty against this offence. The Bill 'future proofs' the Act by extending this power to novel nicotine products that emerge in the future.

These measures support those retailers and wholesalers who do the right thing and follow the law.

As we know, however, compliance and enforcement are only one part of the equation when it comes to tobacco and e-cigarette products. An important way to drive down the prevalence of smoking and vaping is to provide pathways to make quitting more accessible and engaging for smokers and vapers.

This Government has committed to creating a new and independent agency, Preventive Health SA, with a mandate to develop evidence-based programs and policies to keep South Australians healthy. Tobacco and vaping are key priority areas for this new agency.

The work of Preventive Health SA also includes the development of new and innovative public campaigns, motivating smokers and vapers to quit and is targeting young people to inform them of the dangers of e-cigarette use and helping them to quit vaping.

Preventive Health SA is also working with the Department for Education to support schools, teachers and, parents and carers to support young people to get off the vapes.

We are also including other minor amendments in the Bill, such as increasing the timeframe for short-term smoking bans so that more events can be declared smoke-free and vape-free events, and we're declaring a five-metre buffer at covered public transport stops to now be smoke-free and vape-free.

This additional buffer zone complements the smoke-free and vape-free areas that we introduced from the first of March this year that creates smoke-free and vape-free areas within ten metres of schools, childcare centres, hospitals and shopping centres among several other locations.

Smoke-free areas reduce the exposure to second-hand smoke and e-cigarette aerosols, reducing the health impacts for children and other vulnerable people. Research shows that strong smoke-free laws reduce likelihood of children and young people taking up smoking.

It is our responsibility to ensure that our children and young people do not take up smoking, or vaping, or the next thing that this relentless industry serves up.

Supporting this Bill is supporting South Australian children and young people by ensuring that we close down the supply chains for illicit tobacco products, e-cigarette products and new and emerging nicotine products, such as nicotine pouches.

I would like to thank staff within Preventive Health SA, the Department for Health and Wellbeing and Consumer and Business Services for their work and contributions in preparing this Bill which is all about clamping down hard on these products and moving towards a smoke-free and vape-free future for our young people.

Let this be a warning to those doing the wrong thing. South Australia is closed for this type of business.

I commend this Bill to members and I seek leave to have the detailed explanation of clauses inserted in Hansard without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Tobacco and E-Cigarette Products Act 1997*

3—Amendment of section 3—Objects of Act

This clause amends the objects of the Act to take account of amendments in the Bill.

4—Amendment of section 4—Interpretation

This clause makes various amendments to delete, amend and insert necessary definitions.

5—Insertion of sections 5 and 5A

This clause inserts 2 new sections:

5—Definition of e-cigarette product and related terms

The proposed section contains definitions of e-cigarette, e-cigarette accessory, e-cigarette product and vaping substance consistent with the definitions enacted in the *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024* of the Commonwealth.

5A—Provisions governing whether person is fit and proper

This provision sets out the circumstances in which a person will not be a fit and proper person for a particular purpose under the Act.

6—Substitution of Part 2

The provisions of existing Part 2 dealing with licences are updated and amended as follows:

Part 2—Licences

6—Requirement for licence

The proposed section sets out offence provisions for carrying on the business of selling tobacco products by retail or by wholesale or holding out as carrying on such a business without a retail or wholesale licence.

7—Licences

The proposed section sets out the manner in which a person may apply for a licence authorising the person (subject to the Act and the conditions of the licence) to sell tobacco—

- by retail (being a sale to a consumer); or
- by wholesale (being a sale for the purpose of resale).

The Minister must, before granting a licence, be satisfied that the applicant is a fit and proper person to hold the licence or if the applicant is a trust or corporate entity, that each person who occupies a position of authority in the trust or corporate entity is a fit and proper person.

8—Application for licence to be given to Commissioner of Police

The proposed section requires the Minister to—

- give the Commissioner of Police a copy of each application for a licence; or
- notify the Commissioner of Police of the identity of the applicant or, if the applicant is a trust or corporate entity, the identity of each person who occupies a position of authority in the trust or corporate entity.

The section further requires the Commissioner of Police to make available to the Minister information about criminal convictions relevant to whether the application for a licence should be granted or such other information to which the Commissioner has access that is relevant to whether the application should be granted.

9—Conditions of licence

The proposed section sets out the following in relation to the imposition of conditions of licence:

- the manner and circumstances in which the Minister may impose, vary or revoke a condition on a licence;
- the nature of such conditions;
- that it is a condition of a licence that the holder must keep, retain and provide certain information relevant to the business carried out under the licence in accordance with the requirements of the regulations;
- an offence with various penalties applying to the holder of a licence for contravention of a licence condition.

10—How licences are to be held

The proposed section sets out provisions applying in circumstances where 2 or more persons hold a licence.

11—Annual fee and return

The proposed section requires the holder of a licence to pay an annual fee and provide an annual return. Failure to pay the annual fee or provide the annual return may result in the cancellation of the licence.

12—Notification of certain changes in holder of licence

The proposed section requires the holder of a licence to notify the Minister of a change in certain information in relation to the licence, such as—

- a person assuming or ceasing to occupy a position of authority in a trust or corporate entity that holds a licence;
- the business or trading name under which the holder of the licence carries on business;
- the contact details provided by the holder of the licence for purposes connected with the licence;
- any other prescribed particulars.

13—Surrender of licence

The proposed section re-enacts the provisions in current section 11 of the Act to allow for a licence to be surrendered.

7—Amendment of heading to Part 3

This clause amends the heading to Part 3 to reflect the new proposed offence provisions.

8—Insertion of heading

This clause inserts a new heading to indicate the offences relating to tobacco products that follow.

9—Amendment of section 30—Restrictions on retail sale of tobacco products and e-cigarette products

The amendments in subclauses (1) and (5) are consequential on the removal of e-cigarette products from the licensing scheme established by the Act.

The amendments in subclauses (2) and (3) remove reference to retail sale, consequential on the other amendments in the measure which now distinguish between retail sale and wholesale.

Subclause (4) amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

10—Amendment of section 31—Requirements for packaging tobacco products

This clause amends the current penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

11—Amendment of section 32—Prohibition on sale or supply of certain tobacco products

This clause amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

12—Amendment of section 33—Possession of certain tobacco products

This clause amends the current penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

13—Amendment of section 34A—Prohibited tobacco products

The amendments in subclause (1) are consequential on the other amendments which now distinguish between retail sale and wholesale.

Subclause (2) amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

14—Amendment of section 35—Sale of sucking tobacco

This clause amends the penalty provision and expiation fee to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
  - an offence or alleged offence is committed by a body corporate or an individual;
  - an offence is a first offence or a second or subsequent offence.

15—Amendment of section 36—Products designed to resemble tobacco products

The amendments in subclause (1) are consequential on the other amendments in the measure which now distinguish between retail sale and wholesale.

Subclause (2) amends the penalty provision and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties to apply depending on whether—

- an offence or alleged offence is committed by a body corporate or an individual;
- an offence is a first offence or a second or subsequent offence.

16—Substitution of section 37 and 37A

This clause makes 2 amendments consequent on the removal of e-cigarettes from the licensing scheme. Section 37A which applied only to e-cigarette products is deleted. Section 37 is recast as follows:

37—Sale of tobacco products by vending machine

The proposed section prohibits the sale of cigarettes and other tobacco products by means of a vending machine. The penalty provisions applying for the offence—

- are increased; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual;

17—Amendment of section 38—Carrying tray etc of tobacco products or e-cigarette products for making of successive retail sales

This clause makes several amendments consequent on the removal of e-cigarettes from the licensing scheme. The clause also amends the penalty provision to:

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

18—Amendment and redesignation of section 38A—Sale or supply of tobacco products or e-cigarette products to children

The amendments in subclauses (1) and (2) are consequential on the removal of e-cigarettes from the licensing scheme.

The amendments in subclauses (4), (5), (9) and (10) are consequential on the amendments made by clause 16.

Subclauses (3), (6) and (7) amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties to apply depending on whether—
  - an offence or alleged offence is committed by a body corporate or an individual;
  - an offence is a first offence or a second or subsequent offence.

The amendments in subclause (8) adds several new provisions to provide offences for the sale or supply of an e-cigarette product or a prohibited product to a child. Subclause (11) redesignates the current section as s 39E and relocates it in the new Division where all offences relating to children are now to be located.

19—Amendment and redesignation of section 39

The amendments in this clause update the existing evidence of age provisions consequent on other amendments in the measure, increases existing penalties and expiation fees and redesignates and relocates the section so that it is located with other similar provisions in the Act.

20—Insertion of Part 3 Divisions 2, 3, 4 and heading to Division 5

This clause inserts a new heading to Division 5 for offences already in the Act. It also inserts new offence provisions under the following proposed Divisions:

Division 2—Offences relating to e-cigarette products

39A—Offence relating to sale or supply of e-cigarette products

The proposed section makes it an offence to sell or supply an e-cigarette product. The offence does not apply to a person who is authorised under any other Act or law to sell or supply e-cigarette products to allow for the sale and supply of e-cigarette products by medical practitioners and pharmacists as provided for under Commonwealth law.

39B—Offence relating to possession of e-cigarette products

The proposed section makes it an offence to be in possession of an e-cigarette product for the purpose of sale. The offence does not apply to the possession of an e-cigarette product by a person who is

authorised under any other Act or law to sell or supply e-cigarette products to allow for the sale and supply of e-cigarette products by medical practitioners and pharmacists as provided for under Commonwealth law.

The provision allows for the regulations to provide that in proceedings for an offence against proposed subsection (1), if it is proved that the defendant had possession of a prescribed quantity of e-cigarette products, it is presumed, in the absence of proof to the contrary, that the defendant had possession of the e-cigarette products for the purposes of sale.

Division 3—Prohibited products

39C—Prohibited products

The proposed section allows the Minister to declare by notice in the Gazette that a product or a class of product specified in the notice is a prohibited product. The Minister must not declare a prohibited product unless satisfied that the product—

- is presented or advertised in a manner that indicates that the product contains nicotine; or
- may be used, or is presented or advertised, as an alternative to smoking.

The proposed section provides offence provisions for persons who sell or supply a prohibited product or have possession of a prohibited product for the purposes of sale.

Division 4—Offences relating to children

39D—Sale or supply of tobacco products by children

The proposed section creates an offence for a person to employ, authorise or allow a child to sell or supply a tobacco product. The section does not prevent the employment or authorisation of a child of or above the age of 16 years to sell or supply a tobacco product.

21—Amendment of section 40—Certain advertising prohibited

Subclauses (1) and (2) amend the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
  - an offence or alleged offence is committed by a body corporate or an individual;
  - an offence is a first offence or a second or subsequent offence.

The amendments in subclauses (3) and (4) are consequential on the removal of e-cigarettes from the licensing scheme and on the new distinction between retail sale and wholesale of tobacco products.

22—Amendment of section 41—Prohibition of certain sponsorships

This clause amends the current penalty provision and expiation fees to—

- increase existing penalties; and
- provide for different penalties and fees to apply depending on whether—
  - an offence or alleged offence is committed by a body corporate or an individual;
  - an offence is a first offence or a second or subsequent offence.

23—Amendment of section 42—Competitions and reward schemes etc

This clause amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
  - an offence or alleged offence is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

24—Amendment of section 43—Free samples

This clause amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;

- is a first offence or a second or subsequent offence.

25—Amendment of section 45—Business promotions to attract smokers

Subclauses (1) amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether an offence or alleged offence is committed by a body corporate or an individual.

Subclause (2) inserts a provision to disapply the section in relation to the display of a sign, in accordance with the requirements of the regulations, that indicates an area where smoking is not prohibited.

26—Amendment of section 46—Smoking banned in enclosed public places, workplaces and shared areas

This clause amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether an offence or alleged offence is committed by a body corporate or an individual.

27—Amendment of section 48—Smoking in motor vehicle if child present

This clause amends the current penalty provision and expiation fees to increase existing penalties and fees.

28—Amendment of section 49—Smoking banned in certain public transport areas

Subclause (1) amends the current penalty provision and expiation fees to increase existing penalties and fees. Subclause (2) extends the definition of prescribed public transport area to include any public area within 5 m of a place described in the existing definition.

29—Amendment of section 50—Smoking banned near certain playground equipment

This clause amends the penalty provision and expiation fee to increase existing penalties and fees.

30—Amendment of section 51—Smoking banned in certain public areas—short term bans

Subclause (1) increases the number of days that a short term smoking ban is able to be made under the section from 3 days to 90 days.

Subclause (3) requires that signage indicating areas within which a short term smoking ban applies must be of a kind prescribed in the regulations.

Subclauses (2) and (4) amend the current penalty provision and expiation fees to increase existing penalties and fees.

31—Amendment of section 52—Smoking banned in certain public areas—longer term bans

Subclause (1) amends the penalty provision and expiation fee to increase existing penalties and fees.

Subclause (2) recasts the existing offence of failing to indicate the effect of longer term smoking bans to increase penalties and require the signs to comply with the requirements of the regulations.

32—Amendment of section 63—Appointment of authorised officers

This clause makes a technical amendment.

33—Substitution of section 64

This amendment recasts the existing identification of authorised officer provisions as follows:

64—Identification of authorised officers

The proposed section requires that authorised officers be issued with a certificate of identity (rather than an identity card containing the person's name and photograph as in the current provision). The current requirement for an authorised officer to provide their certificate of identity on request by a person remains.

34—Amendment of section 65—Power to require information or records or attendance for examination

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

35—Amendment of section 66—Powers of authorised officers

These amendments expand the powers of an authorise officer to allow them to seize and retain any record or thing that affords evidence of an offence or that has been used in connection with the commission of an offence.

36—Insertion of sections 66A and 66B

This clause inserts new provisions as follows:

66A—Compliance direction

The proposed section sets out the manner and circumstances in which an authorised officer may give a compliance direction to a person for the purpose of securing compliance with a requirement under a licence or the Act. The section further provides for the review of such a decision by the Minister and an offence for failing to comply with a direction.

66B—Embargo notices

The proposed section sets out the manner and circumstances in which an authorised officer may issue an embargo notice where an authorised officer is authorised to seize a record or thing which cannot, or cannot readily, be physically sized and removed or stored. The section sets out a number of offence and defence provisions that may apply to a person doing things forbidden by an embargo notice.

37—Amendment of section 67—Offence to hinder etc authorised officers

This clause amends the current penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

38—Substitution of section 69

The provisions of section 69 in relation to seized records or things is to be recast and updated to take account of current enforcement requirements and amendments in the measure as follows:

69—Powers in relation to seized records or things

The proposed section allows for the manner in which a seized record or thing is to be dealt with to be prescribed by the regulations.

39—Insertion of Parts 6, 6A and 6B

This clause inserts the following new provisions:

Part 6—Controlled purchase operations

69A—Interpretation

This section defines terms used in the proposed Part, which sets out a scheme the intended purpose of which is to provide a person with an opportunity to commit or to attempt to commit an offence against a prescribed provision.

Prescribed provisions are to be listed in proposed Schedule 1 of the Act, and include those offences relating to prohibited sale of tobacco and e-cigarette products and the sale and supply of those products to children.

69B—Controlled purchase officer

The proposed section allows the Minister to authorise a person to be a controlled purchase officer (including a person under the age of 18 years) who is able to take any action specified by the Minister in their notice of authorisation.

69C—Controlled purchase operation

The proposed section makes provision for certain matters associated with the undertaking of a controlled purchase operation, including—

- that a controlled purchase officer, an authorised officer and the Minister do not commit an offence against this Act or any other Act or law in connection with any action taken for the purposes of a controlled purchase operation as specified in a notice of authorisation; and
- certain evidentiary provisions relating to actions of authorised officers and controlled purchase officers.

Part 6AA—Closure orders

69CA—Interpretation

This clause defines terms used in the proposed Part.

69CB—Interim closure order

The proposed section gives power to the Minister to make an interim closure order, being an order that specified premises be closed if the Minister reasonably suspects that:

- prescribed products are being, or are likely to be, sold or supplied at the premises as part of a business being carried on at the premises. Prescribed products are defined as prohibited products as defined in section 39C or prescribed tobacco products as defined in section 33;
- tobacco products or e-cigarette products are being, or are likely to be, unlawfully sold or supplied at the premises as part of a business being carried on at the premises.

The proposed section further sets out the requirements for service of the notice of interim closure order and any revocation of an interim closure order. The interim closure order has effect for 72 hours or until the Minister revokes the order at an earlier time. No more than 1 interim closure order may be made for the same premises in a period of 7 days.

69CC—Long term closure order

The proposed section allows the Minister to apply to a Magistrate for an order that specified premises be closed for a specified period of not more than 6 months if the Magistrate is satisfied that:

- prescribed products have been, or are likely to be, sold or supplied at the premises as part of a business activity; or
- tobacco products or e-cigarette products have been, or are likely to be, unlawfully sold or supplied at the premises as part of a business activity.

A long term closure order may be made regardless of whether an interim closure order is or has been in effect in relation to the premises. The proposed section further sets out the requirements for service of a long term closure order.

69CD—Tobacco or e-cigarette products not to be sold or supplied at closed premises

The proposed section creates an offence for a person who, while an interim closure order or a long term closure order is in effect in relation to premises—

- sells or supplies tobacco products, e-cigarette products or prohibited products at the premises; or
- carries on a business of selling tobacco products, e-cigarette products or prohibited products at the premises.

The offence provisions provide for different penalties and expiation fees to apply depending on whether an offence is committed by a body corporate or an individual.

Part 6A—Disciplinary action against holder of licence

69D—Cause for disciplinary action

The proposed section sets out the following in relation to the taking of disciplinary action against the holder of a licence:

- the grounds on which there is proper cause for disciplinary action against the holder of a licence;
- actions that the Minister may take if the Minister believes that there are proper grounds for taking disciplinary action;
- matters to which the Minister may have regard in determining whether there is proper cause for disciplinary action.

69E—Compliance notice

The proposed section sets out the manner in which the Minister may issue a compliance notice to the holder of a licence and the form that the notice must take. The proposed section creates an offence for the holder of a licence to fail to take the action specified in the notice within the time allowed in the notice.

69F—Default notice

The proposed section allows for the Minister to give a default notice to the holder of a licence. The notice specifies the grounds for disciplinary action to be taken against the holder of the licence and informs them that disciplinary action may be avoided by payment by a specified time of a specified sum not exceeding—

- in the case of the holder of a licence who is a body corporate—$500,000; or
- in any other case—$250,000.

69G—Disciplinary action

The proposed section sets out the manner in which the Minister may take disciplinary action against the holder of a licence, including by issuing a reprimand, cancelling or suspending the licence, issuing a fine or giving a direction. The proposed section provides that the notice must be given to the holder of the licence before such action is taken. It is an offence for the holder of a licence to fail to comply with a requirement, order or direction given by the Minister under the proposed section.

69H—Effect of criminal proceedings

The proposed section clarifies that the Minister may take disciplinary action under the proposed Part whether or not criminal proceedings have been, or are to be, taken in relation to the matters the subject of the action. The Minister must however, in imposing a fine, take into account any fine that has already been imposed in criminal proceedings.

Part 6B—Review

69I—Review by Minister

The proposed section sets out the manner in which a person who is dissatisfied with a decision of the Minister under proposed Part 2, 6AA or 6A may apply for a review of the decision.

69J—Review by SACAT

The proposed section sets out the manner in which a person who is dissatisfied with the decision of the Minister on a review may apply to SACAT for a review of the Minister's decision.

40—Amendment of section 70A—Confiscation of products from children

This amendment is consequential on the removal of e-cigarette products from the licensing scheme under the Act.

41—Amendment of section 71—Exemptions

These amendments allow for exemptions from provisions of the Act to be made by the Minister by notice in the Gazette, rather than by proclamation by the Governor.

42—Substitution of section 73

The existing provisions in relation to the keeping of a register are to be expanded as follows:

73—Register

The proposed section requires the Minister to maintain a register of licences granted under the Act, sets out the information that must be included in the register and requires that the register be made publicly available on a website determined by the Minister.

43—Amendment of section 75—False or misleading information

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

44—Amendment of section 76—Minister may require verification of information

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

45—Substitution of sections 77 and 78

Current section 77 is deleted as its contents are now to be included in provisions located under proposed Part 2 and 6A. Current section 78 is to be expanded in the manner set out in proposed section 78. This clause also inserts new proposed sections 76A and 77:

76A—Enforceable voluntary undertakings

The proposed section allows for the Minister to accept, by notice in writing, an undertaking given by a person in connection with a matter relating to a contravention or an alleged contravention by the person of the Act. It sets out the effect of such an undertaking, and creates an offence for a person to contravene an undertaking.

77—Criminal intelligence

The proposed provision sets out the manner in which information classified by the Commissioner of Police as criminal intelligence is to be managed.

78—Disclosure of information

The proposed section sets out the manner in which information obtained in the course of the administration of the Act may and may not be disclosed.

46—Amendment of section 79—General defence

This amendment allows a defence to apply to offences charged against a body corporate or against an individual where conduct or state of mind is imputed to the body corporate or individual as provided for in the Act.

47—Amendment of section 82—Prosecutions

This allows an expiation to be issued within 2 years after the date on which the offence is alleged to have been committed.

48—Insertion of section 82A

This clause inserts a new section:

82A—Court may make certain orders

The proposed section sets out the orders that may be made by a court against a person who is found guilty of an offence under the Act, and that the Registrar of the relevant court must notify the Minister of the details of such an order.

49—Amendment of section 85—Evidence

This amendment adds a new subsection (3) that provides that in proceedings for an offence against this Act by a body corporate, a statement made by an officer of the body corporate is admissible as evidence against the body corporate.

50—Substitution of section 86

Section 86 is deleted as its contents are now covered in section 51 of the *Legislation Interpretation Act 2021*. A new section is proposed as follows:

86—Imputation of conduct or state of mind of officer, employee etc

The proposed section sets out the manner in which the conduct and state of mind of officers, employees or agents acting within the scope of their actual, usual or ostensible authority may be imputed to an individual or a body corporate (as the case may be) in proceedings for an offence against the Act.

51—Insertion of section 86B

This clause inserts a new section:

86B—Exclusion of compensation

The proposed section provides that no right to compensation arises as a result of the expropriation or diminution of rights of the holder of a licence by the amendments in this measure.

52—Amendment of section 87—Regulations

The amendments in this clause make several changes to the existing general regulation making power in the Act.

53—Substitution of Schedule

This clause deletes the existing Schedule which contains obsolete provisions and substitutes the following Schedule in connection with the operation of proposed Part 6:

Schedule 1—Controlled purchase operations—prescribed provisions

This Schedule lists the provisions of the Act in relation to which a controlled purchase operation may be undertaken.

Schedule 1—Saving and transitional provisions

1—Interpretation

This clause defines terms used in the Schedule.

2—Existing licences

This clause provides for saving and transitional arrangements for existing licences.

3—Requirement for wholesale licence

This clause provides for an exemption from the requirement to hold a wholesale licence for a period of 6 months after the day on which proposed Part 2 commences.

4—Licence applications

This clause makes provisions for the consideration of application for licences that have been made but not yet determined on the commencement of proposed Part 2.

5—Licence conditions

This clause make provision in relation to conditions of licence in force before the commencement of proposed Part 2.

6—Annual returns

This clause sets out the requirements in relation to the provision of annual returns for existing licence holders.

7—Seized products

This clause clarifies the manner in which products seized under Part 5 may be dealt with.

8—Review proceedings

This clause makes provision in relation to review proceedings that have commenced but not finally determined before the commencement of the measure that amend those provisions.

9—Register

This clause provides for the continuation of the register maintained under the provisions of the current Act.

Debate adjourned on motion of Hon. D.G.E. Hood.

STATUTES AMENDMENT (PARLIAMENT—EXECUTIVE OFFICER AND CLERKS) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:32): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President, I rise to introduce the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill 2024.

The bill amends the Parliament (Joint Services) Act 1985 (the Joint Services Act) and the Remuneration Act 1990 (the Remuneration Act) in order to significantly reform the management structure of the Joint Parliamentary Service, and to ensure independent oversight of the remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly.

The bill establishes a new executive officer position for the Joint Parliamentary Service to modernise and centralise the executive and organisational operation of the Parliament of South Australia and to coordinate the service functions of the parliament. The executive officer will be responsible to the Joint Parliamentary Service Committee, consisting of the President of the Legislative Council, the Speaker of the House of Assembly and two members each from the Legislative Council and the House of Assembly, for the efficient management of the Joint Parliamentary Service. The bill makes various amendments to the Parliament (Joint Services) Act to give effect to the executive officer's role.

These changes include conferring responsibility for providing secretarial services to the committee on the executive officer, designating the executive officer as the chief officer of the Joint Services Division of the Joint Parliamentary Service, and making the executive officer a member of the advisory committee to the committee. The chief officers of the divisions of the Joint Parliamentary Service will be responsible to the executive officer for the efficient management of their respective divisions.

These changes will ensure that the executive officer is the central person with the responsibility of a range of functions currently divided between various other officers, including the Clerks of the Legislative Council and the House of Assembly and the chief officers of the divisions of the Joint Parliamentary Service. The executive officer is to be appointed by the committee on terms and conditions determined by the committee, including the executive officer's remuneration.

In addition to this important restructure, the bill confers jurisdiction on the Remuneration Tribunal to determine the remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly. The Remuneration Tribunal is already seized of jurisdiction to consider and determine the remuneration of various officers, including judges and members of parliament. It is appropriate for the Remuneration Tribunal to also consider and determine the remuneration of Clerks and Deputy Clerks of the houses of parliament.

This reform is intended to ensure that there is an independent consideration and oversight of the appropriate remuneration levels and increased transparency in the process. This will in turn increase public confidence in the remuneration decisions made in respect of the Clerks and the Deputy Clerks of the houses of parliament.

I commend the bill to members and indicate that it is the government's intention to enter into discussions with the crossbench in the upper house to achieve passage of this legislation, as might be amended where necessary, to enjoy an outcome by compromise and negotiation. I seek leave to insert the explanation of clauses in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Parliament (Joint Services) Act 1985*

2—Amendment of section 4—Interpretation

This clause inserts a definition of *Executive Officer* and makes a related amendment to the definition of *officer*.

3—Substitution of section 6

This clause deletes section 6 which provides for the Clerk of the Legislative Council or the Clerk of the House of Assembly to act as secretary to the Committee. The functions and powers of the secretary to the Committee under the Act are proposed to be undertaken by the Executive Officer, which is an office established under proposed Part 2 Division 1A as follows:

Division 1A—Executive Officer for the joint parliamentary service

6—Executive Officer for the joint parliamentary service

The proposed section establishes the office of Executive Officer for the joint parliamentary service, and sets out the terms and conditions of the appointment of the Executive Officer.

6A—Duties of Executive Officer

Proposed subsection (1) provides that the Executive Officer is responsible to the Committee for the efficient management of the joint parliamentary service. Proposed subsection (2) provides that the Executive Officer must, at the request of the Committee, and may, on the Executive Officer's own initiative, make a report to the Committee on any aspect of the management or operation of the joint parliamentary service.

4—Amendment of section 7—Divisions of the parliamentary service

This clause makes a consequential amendment to provide that the chief officer in relation to the Joint Services Division is to be the Executive Officer instead of the secretary to the Committee (as is currently the case).

5—Amendment of section 8—Duties of chief officers

The amendments in subclause (1) provide that the chief officers are responsible to the Executive Officer (rather than the Committee as is currently the case) for the efficient management of their respective division of the joint parliamentary service. Subclause (2) deletes subsections (2) and (3) which confer functions on the chief officers which are now to be undertaken by the Executive Officer of the joint parliamentary service.

6—Amendment of section 9—Delegation

The amendments in subclause (1) provide for the Committee to delegate any of its functions or powers to the Executive Officer. The amendments in subclause (2) provide for a more general power of subdelegation than is currently provided for in the section.

7—Amendment of section 26—Certain officers to constitute advisory committee

This clause removes the membership of the Leader of Hansard, the Parliamentary Librarian and the Catering Manager from the advisory committee established under this section and replaces them with the Executive Officer of the joint parliamentary service.

8—Amendment of section 27—Officers may be regarded as members of the Public Service in certain situations

This clause adds the Executive Officer of the joint parliamentary service to the existing definition of *officer* in subsection (2) to enable them to be regarded as a member of the Public Service in situations outlined in the section in the same manner as other officers of the Parliament.

Part 3—Amendment of *Remuneration Act 1990*

9—Amendment of section 13—Determination of remuneration of judges, magistrates and certain others

This clause provides that the remuneration of the Clerk and Deputy Clerk of both the Legislative Council and the House of Assembly are to be determined by the Remuneration Tribunal.

Schedule 1—Transitional provisions

1—Transitional provisions

This clause provides for transitional arrangements in relation to the current remuneration of the Clerks and Deputy Clerks of the Legislative Council and the House of Assembly as a result of the amendments in Part 3. It further provides for transitional arrangements under certain provisions of the *Parliament (Joint Services) Act 1985* in circumstances where an Executive Officer has not yet been appointed in accordance with the amendments in Part 2.

Debate adjourned on motion of Hon. D.G.E. Hood.

STATUTES AMENDMENT (SMALL BUSINESS COMMISSION AND RETAIL AND COMMERCIAL LEASES) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 17:34 the council adjourned until Tuesday 15 October 2024 at 14:15.